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Senate

The Senate met at 9:30 a.m. and was called to order by the Hon. E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator of humanity, make us one. Bring unity to our Senate, Nation, and world. Help us to see that awesome things can be accomplished when we stop worrying about who will get the credit, and that we can achieve so much more working together than laboring solo.

With this unity, infuse us also with a spirit of hopeful pragmatism. Lord, give us realistic expectations about our future. Remind us that many problems that took decades to create will not be quickly solved. Motivate us to make the necessary sacrifices so that rough places will be made smooth and crooked places will be made straight.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 19, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

For the information of Senators, there will be a Senators-only classified briefing at 2:30 today. It will last for an hour or an hour and a half. We will have there Secretary Gates, Secretary Rice, and Vice Chairman of the Joint Chiefs of Staff James Cartwright. This will take place in our new secure meeting room in the Visitor Center.

ECONOMIC STIMULUS PLAN

Mr. REID. Mr. President, we received some more bad news today. Today it was reported that China has surpassed Japan as the top holder of United States debt. One out of every 10 dollars of American debt now belongs to the Chinese. As we fall further into debt, our climb back from recession to economic prosperity grows steeper. But in light of these challenges, there is no reason for Congress to wait until January to do some things that will help the economy. We know that before the Senate is a comprehensive stimulus plan. I will be discussing ways of proceeding on that, or not proceeding on that, with my friend, the Republican

leader. Our legislation was worked out with the Appropriations, Finance, and Agriculture Committees. This legislation would invest in infrastructure, extend unemployment insurance, provide food stamps and fiscal relief for States to prevent States from being forced to cut services and raise taxes more than they already have, and it would be providing aid to the ailing United States auto industry.

It is important to understand that the authority to provide funds to the auto industry lies with the Treasury Department. The Federal Reserve can also provide these funds. As the Senate considers whether to pass an auto aid package, whether this legislation or other legislation, we all need to remember that we are simply deciding whether Congress will apply additional terms to the funds that the Treasury Department can and should ultimately provide. In fact, Congress need do nothing. Treasury can put whatever restrictions they choose on that.

I hope we can pass legislation to aid the auto industry this next day or two. If we cannot do it here legislatively, I hope the Secretary of Treasury listens loudly and clearly, because they can take this into their own hands and do what they think is appropriate from their perspective.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A BIPARTISAN APPROACH

Mr. McCONNELL. Mr. President, the auto industry is an important part of the American economy, I certainly agree with my good friend the majority leader, and an important job creator in my State. We are all aware that one reason Congress is back in session this week is to address the crisis in the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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auto industry. Although our friends on the other side have been talking about this issue with increasing frequency, they have yet to indicate how they plan to move forward. There is clearly a deep controversy about using funds designed to strengthen our credit markets to shore up distressed companies and other industries. We all understand that. It is one of the main reasons why there is still a significant lack of support from both sides of the aisle to that particular kind of approach.

It is an understatement to say there is deep concern about the impact of more than \$100 billion of new deficit spending in the bill that has been put forward. So let me suggest a bipartisan path forward that has not yet been offered by the majority. It is a compromise being worked on by Senators VOINOVICH and BOND which repropose funds already appropriated, money we have already appropriated to fund a \$25 billion loan program for auto makers to build advanced technology vehicles—coupled with new taxpayer protections and Federal oversight about how the money is spent. This is a proposal which I believe has support from both sides of the aisle and that actually has the potential to pass right now, not next year. There is a way forward that will help protect the jobs in the auto industry while also protecting the taxpayers. Senators VOINOVICH and BOND are working with colleagues across the aisle to protect taxpayers and our long-term economic health. Should this compromise approach be approved by the Congress, it is the only proposal now being considered that we believe President Bush will sign. It could actually become law and become law in the very near future.

As we move forward, we must do so in a bipartisan way on this and the myriad of other issues to come, and a good place to start would be right now.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

The Senator from Louisiana is recognized.

AUTO INDUSTRY BAILOUT PROPOSALS

Mr. VITTER. Mr. President, I rise to express my grave concerns about all of the auto industry bailout proposals. I do that for two fundamental reasons. First of all, I am very concerned of this ever-widening bailout fever, bailout mania. We are now going well beyond

the financial industry. We are crossing what was supposed to be a bright line and going to other sectors of major manufacturing, starting with the auto companies, but I am convinced it certainly will not end there.

The second reason I am very concerned is for the sake and future of the auto companies and those workers themselves, because I am convinced that if we pass this type of bailout proposal, it will not save the auto companies, it will absolutely ensure their demise. That is because it is a bailout that is not coupled in any way with fundamental restructuring and fundamental reform.

Let me go back to the original financial industry bailout proposal. On September 29, I announced my strong opposition to that, based on many reasons which I articulated here on the Senate floor. One of them was that I thought it would invite many more bailouts to come. As I said, it was “an unprecedented government bailout that will almost certainly pave the way for even more, maybe sooner rather than later.”

Even as I spoke then on September 29, quite frankly I never would have guessed that we would be at that point now, so soon, a few weeks later. But we are. Again, what started as an idea about the banking industry—don’t let it fail; only about financial services industries—is now ever widening.

First of all, it has been widened within the TARP program itself, because while Treasury Secretary Paulson came to Congress, came to Capitol Hill with a very clear message of what that program was about—buying bad assets, taking them off the books of financial companies—even within that program we have already moved on to plan B, which is infusing money directly into banks. And now we are moving on to plan C, infusing money into other sectors such as consumer credit cards, student loans, and other ventures. So even within that TARP bailout structure we have expanded the bailouts and moved on from plan A, which was the entire premise on which Congress passed the legislation, to plan B and to plan C.

Now we are about to cross a much brighter line and we are potentially expanding this bailout fever much more by going well beyond the financial industry, by going well beyond the banking system, well beyond the promise we simply need to stabilize the banking system, to now saving companies because they are big, because they are, in a word, too big to allow to fail.

I think that is a fundamental mistake. But as I said, the other reason I think it is a fundamental mistake has to do with the companies’ futures and the workers’ futures themselves. I think this auto industry bailout proposal is a fundamental mistake because I believe it will not only not save those companies, but I believe it will absolutely doom them to eventual failure—yes, a few months later rather

than now, but will absolutely doom them to eventual failure.

Why do I say that? For a simple reason; because these proposals are not coupled in any way with the fundamental restructuring that the American auto companies need to become competitive and to survive.

A few weeks ago when we talked about the financial crisis, we were focused on just that, a financial crisis within the banking industry, within financial institutions. That was about credit freezing up and impacting the economy in an overall way. But of course auto companies’ problems and challenges predate that by years and years. Certainly the financial crisis made their immediate situation worse, made their immediate straits more challenging, but their ultimate challenge and their ultimate troubles have nothing to do with this immediate financial crisis. They have to do with the legacy costs and very high labor and other costs that those companies are burdened by, which makes them fundamentally uncompetitive with their worldwide competitors today.

What am I talking about? That extra burden brought on by legacy costs and union obligations is estimated to be about \$2,000 per car for the big three auto manufacturers—\$2,000 per car. What does that mean? What it means is Ford, for example, needs to cut \$2,000 worth of features out of its Taurus to compete with, say, Toyota’s Avalon. It is no surprise that the Avalon feels like a better product. It is a better product. It has \$2,000 more features, in terms of comparable sales prices, when it goes to the lot. Of course it is going to be a better product.

Another example is the U.S. auto companies and their unions admit that union demands have driven up labor costs at the big three U.S. auto manufacturers to \$30 per hour more than their foreign-owned competitors, including competitors such as Toyota that employ Americans and produce cars in America right here and now.

How can the big three possibly remain competitive in a worldwide economy with that sort of disadvantage? And throw on top of that the fact that the CEO of GM managed to get a 64-percent pay raise recently despite his company’s shares dropping more than 90 percent over the past 52 weeks. That is not a recipe to stay or become competitive, that is a recipe for failure.

The reason the auto companies will be doomed to that failure if we pass this bailout is because we are giving them plenty of taxpayer dollars without demanding the fundamental restructuring, the fundamental revisiting of those additional costs, these extraordinary labor costs, those burdensome legacy costs that it will take to make them competitive on a worldwide stage.

My argument is very simple: Let’s not cross that bright line. Let’s not expand in a fundamental way bailout fever for the good of our free market

system. But also, for the good of the auto industry in the United States, for the good of those workers, let's not doom them to failure. Let's demand, whatever we do, that they go into a period of fundamental restructuring—the type of fundamental restructuring that is necessary, for instance, in a bankruptcy. It does not have to be done in the context of an actual bankruptcy. Many people say that would kill auto sales; that it is not practical, they cannot survive that.

I do not particularly agree with that argument, but that same fundamental restructuring can be done in other ways without that bankruptcy title looming over the companies' heads. That is what they need to survive. That is what those workers need to keep their jobs. Let's not pass this auto industry bailout and deny them the possibility of a survivable and brighter future.

These remarks apply equally to not only the Democratic leader's proposal, under which the \$25 billion would come directly out of the TARP program, but my remarks and my concerns are fundamental. They apply equally to President Bush's proposal, which is essentially the same, simply taking the money out of a different pot, simply using the \$25 billion of low-interest loans we have already authorized, against my objections, to do the same thing.

Again, my concerns are not superficial—use this pot of money and not that pot—my concerns are much more fundamental. They go to the center of the future of our economy. But they also go to the core of what is needed for the U.S. auto industry to remain competitive, to become more competitive, and to save those American jobs.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATION FROM THE HONORABLE BARACK OBAMA

The ACTING PRESIDENT pro tempore. The Chair lays a communication before the Senate.

The legislative clerk read as follows:

U.S. SENATE,

Washington, DC, November 18, 2008.

Hon. RICHARD CHENEY,
Vice President of the United States of America,
President of the U.S. Senate, U.S. Capitol,
Washington, DC.

DEAR VICE PRESIDENT CHENEY, PRESIDENT OF THE U.S. SENATE: This letter is to inform you that I resigned from the United States Senate, effective November 16, 2008, in order to prepare for my duties as President of the United States.

Sincerely,

BARACK OBAMA,
U.S. Senator.

ORDER FOR RECESS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate recess today from 2:30 until 4 to allow Senators to attend today's briefing with Secretary Gates, Secretary Rice, and the Vice Chairman of the Joint Chiefs.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORKING TOGETHER

Ms. MIKULSKI. Mr. President, that was quite a letter. I must say, to be here for this historic moment, my heart is racing. We heard the letter from the President-elect resigning from the Senate. This is, indeed, a moment of passage in the Senate and for the country. By Senator Obama's resignation from the duty and responsibility the people of Illinois gave him, it is one more step for him to pick up the responsibilities of the Presidency of the United States. I will cherish this moment because it will be a historic moment, from "We need change" and "Yes, we can" on the long campaign trail to election night, to a charismatic speech calling us to act like an American community, not only a country of which we are proud, a nation we hold dear, but an American community. That is the Obama message which I hope will be the Obama effect. As our President-elect lays down these duties and takes up others, we need to realize and respond to his call and a new American mandate. Because on November 4, we who hold Federal office received a new American mandate to change the tone, to change the direction, to change the priorities, and to be able to move on and get our economy rolling and bring our troops back home and restore our national honor in the world.

Sign me up. Sign me up as an enthusiastic member of this effort. I accept that mandate. I accept it. I call upon all my colleagues to do the same, to embrace the message Senator Obama has set, not only in terms of a dynamic, robust agenda but how we will work with each other. I thought it was grand that he sat down with our colleague from Arizona, Senator McCain, to talk about how they could work together, how they could find that common ground, how we could find that sensible center between what we want to do and what we can afford to do. That is the tone Obama set with McCain. Let's set it now with Reid and McConnell. Let's try to find common ground, that sensible center, pragmatic, affordable solutions we can do now. We have a window. We have a time. As President-elect Obama said: This is our time. Our time doesn't begin January 20. Our time doesn't begin January 6. This is our time now to lay the groundwork for the transition of power, to work together. I ask us now, as we look at the stimulus

package, as we look at solutions for our manufacturing area, how to extend the safety net for those people who are already hurting: Let's do that.

Right now, once again, back to business as usual, entangled in a parliamentary quagmire, digging in our heels, based on rigid ideology. That is not what the people said on November 4. They said they wanted change, and they want it now. Let it begin with us, civilized debate, the clash of ideas to find that sensible center. By the way, that phrase is not mine. That phrase is Colin Powell's, a great American.

There it is, right there is the center. I am ready to walk over to it. Come on over, I say to the other side.

STIMULUS PACKAGE

Ms. MIKULSKI. Mr. President, today I am standing here asking for help on the stimulus package. I know that part of the stimulus package is to extend unemployment insurance. I absolutely support that. But what I also wish to do is not only extend unemployment insurance for those who are hurting, I am with the parts of the stimulus package that will extend employment, where we will do what we need to do to create the safety net, but we need to have a launching pad to keep jobs in this country. I wish to vote to extend unemployment help, but I wish to also vote to extend employment help. Hello. Let's find that sensible center.

I am for saving and creating jobs, and I am also saying: Congress must act now. In the next 48 to 72 hours, we have our own rendezvous. If we do not act, we will create an economic framework that means the recession will be longer and deeper. The cost of doing nothing is more than we can afford to pay.

I support the safety net in the economic recovery package—help with unemployment, energy assistance, help on Medicaid for the children and the elderly. Medicaid is a children's and elderly program, for children who need health care and elderly who need to be in nursing homes.

I also support the part of the stimulus that creates jobs. I salute our leadership team for coming up with the framework to create jobs by making important investments in physical infrastructure—desperately needed. We need to make public investments that generate private sector jobs. Note what Senator Barb is saying: I am not for make work. I am not for a WPA. I am for public investments that create private sector jobs. By doing it in building and rebuilding America's infrastructure, we will be safer, and we will have a stronger economy—repairing bridges, building highways, mass transit that we need to move people and improve the environment, also to build water and sewer treatment plants to fix aging sewer systems. In my hometown of Baltimore, our mayor is under an EPA court order to rebuild the Baltimore sewer system. I am for that. My great-grandfather, who came to this country

searching for the American dream, believing what Lady Liberty said when she said: Give me your tired, your poor, yearning to be free, another member of my family said: Sign me up. And he was a ditch digger on the Baltimore sewer system. My great-grandmother married him because he was a man of prospects. We rebuilt Baltimore then. I wish to rebuild Baltimore today and put people to work, from designing and engineering, moving heavy lifting equipment.

The Chesapeake Bay is polluted because we don't have enough water in sewer treatment plants. That is one of the reasons. So we can build that by making public investments in physical infrastructure. By sending a dollar of taxpayer money today, we will have jobs today and economic recovery on the way.

Also, I wished to talk about helping the automobile industry. My other colleagues will speak on the floor about the need for the \$25 billion plan. My colleagues will also speak about other things to help Detroit for which I am supportive. But I also have another idea. See, the way I think, I am old-fashioned. My dad ran a grocery store. While others talk about the big macro picture, I learned economics at the macaroni-and-cheese level in my dad's grocery store. It was about supply and demand. I am saying if we stimulate demand, which actually gets people to buy cars, people will have to make them. They will have to sell them. They will have to service them. They will have to provide the insurance and other services to do it.

Let me tell you how I wish to save jobs in the automobile industry and at the same time help our consumers and get our economy back on track. It is simple. It is straightforward. It is bipartisan. I am joined in my framework, which I introduced as a freestanding bill, by Senator KIT BOND of Missouri. More cosponsors are pouring in. My provision simply says this: If you buy a new passenger car or light truck between November 12 of this year and December 31 of next year, you will get a tax deduction on your sales tax and on the interest of your loan. Let me repeat that. It is a tax deduction for the sales tax on buying that car or light truck. You will also be able to deduct the interest on your loan. For many people, depending on the size of the vehicle, it can go anywhere from \$2,000 to \$5,000. It saves jobs. Remember where I started. Not only extend unemployment benefits to those who have lost their jobs but extend employment so people don't lose their jobs.

One out of every ten jobs in America depends on the automobile industry.

What is it I mean? First of all, in manufacturing—and we know what it feels like in Maryland. See this chart. On Broening Highway we made minivans for years. Now it is being cleared for who knows what. We know it has new uses but not like this. There were 1,000 jobs that paid good wages

and good salaries. I do not want "closed" signs up all over America. So it is jobs in manufacturing.

Then there are jobs in car dealerships. Did you know there are 30,000 car dealerships in America, and each one employs about 50 or 60 people—from the people who sell the cars, service the cars, supply the parts, and the back office workers handling the bookkeeping and the accounting.

In my own home State there are 300 dealers. If you look at the dealers nationwide, we are talking about 150,000 people. In my own State, it is over 25,000 people. In many of my rural communities, outside the hospital and local government, they are the major employer. Dealers are at risk. The people who work at the dealerships are at risk. We can change that.

Now, let me go to the rationale. Why now? Why the urgency? Well, first of all, car purchases, whether you are talking about a Toyota or a Taurus, whether you are talking about cars made in Detroit or made in Kentucky, Alabama or Tennessee or Texas, buying cars, with people going into the showrooms, is down by 25 percent.

But what we also know from the auto research is that people buy more cars during the period of Thanksgiving to New Year's Eve than any other 6-week period. If you pass the Mikulski-Bond amendment, and it is signed into law, and people come into the showroom, that is the time they want to buy cars, and this is the time we could give them the Federal incentive, along with the dealer and manufacturing incentives. It could mean tremendous help.

Now, there are those who will say: Gee, how much does this cost, Senator MIKULSKI? It does cost \$8 billion. However, the cost of doing nothing is phenomenal. The cost to the Government is about \$50 billion a year if we do nothing, if our automobile system goes down. If we face the "Armageddon" of one of them going bankrupt, our pension guaranty system would be in great difficulty. We would lose taxes in unemployment benefits. In other words, there is a cost to doing nothing that is 10 to 20 times greater than what we are talking about here.

I know my time is about up.

I say: Pass this stimulus package. Thanks to the leader, my auto provision is part of it. We need to talk about saving 3 million jobs in the automobile industry. We need to talk about how to help the American people.

I conclude by saying, during the break I went around and talked to my constituents. First of all, they are mad as the dickens over the way this bailout package has been handled. They feel we gave it to the sharks and the whales on Wall Street, and the little guys—the minnows—got no help. What they are worried about is the losing of their jobs. In many instances, they have already lost their life savings, they have lost their homes or they are already in jeopardy.

Let's talk about a car dealer. I walked in to talk to a dealer in Mont-

gomery County. The first thing was I noticed two things: an empty showroom and on his lapel he had a Rotary pin. This is a man for which that business, in Montgomery County, was started in 1939, during the Depression, because they believed in Roosevelt and they believed in the American economy. Can they believe in us?

That man, with his Rotary pin and family, has provided jobs. They fix cars. They have sold cars and so on. They kept it going and at the same time contributed to the charities in their community, being a good corporate citizen.

You talk to the people who work there. Let's talk to the guy I talked to who has worked there for 23 years. He said: Senator Barb, all I have ever wanted to do is fix cars. I love fixing cars, and I have fixed Chevys and now Accords and Acuras, and I have done a great job. I have been happy, and I have made a lot of people happy. But I have two kids in college. I was told that for the kind of job I have, there is a workforce shortage. But now there is more of a shortage of work than a shortage of workers.

This is whom we are fighting for. We are fighting for our friends. We are fighting for our neighbors. We are fighting for the people who have kept our communities going. So we come back to wonder: How are we going to spend money? We have already spent \$350 billion that went to banks that do not care. They have no remorse. They have no sense of gratitude, and they did not regard us as an investor. Mr. President, \$350 billion to banks and Paulson is walking around like a passive investor. But here, if we make this investment to enable the consumer to be in a new car, which will get more fuel efficiency, lower carbon emissions, and pick up our economy, I think we are doing something.

I hope today we get a chance to vote on the economic recovery bill. It has major components in it, and one of the major component is it extends employment, which is what Americans want.

On the day Barack Obama resigned from the Senate, let us now resign ourselves to follow what the mandate was on November 4. They not only gave President-elect Obama a mandate; they gave us a mandate: Get America rolling again. The Mikulski legislation puts our economy back on wheels.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

WASTEFUL SPENDING

Mr. SESSIONS. Mr. President, I thank the Chair for the opportunity to speak. I appreciate the eloquent remarks of my colleague, Senator MIKULSKI. She is a passionate advocate for Middle America, and it is a pleasure to serve with her in the Senate.

I have to say, it is a historic day that Senator Obama has resigned and will be on the road now to inauguration as

the President of the United States. People are happy about it. For so many people, you can feel their excitement about the possibilities. The country wanted change, and we have some change out there. I think we need to ask ourselves pretty clearly what kind of change it is they were demanding of Congress. We may well have some disagreements about that.

The day after the election, I was doing a little exercise at the park back home in Alabama, and I met an African-American with an Army hat on. He and his friends were talking happily, and there was an excitement about this election. He said: You know, this is the first time I know my sacrifice in Vietnam meant something. He was sincere about that. There is a good feeling out there.

I would say that one of the things the American people did not vote for, however, was wasteful Washington spending. It is just not so. One of the things they rejected in the Bush administration was reckless spending, unprincipled spending. That is something that has worried them. So in interpreting the results of the election, I think we need to take care.

I noticed a recent Rasmussen Poll showed that 80 percent of Americans think the Government is too involved in the economy, that the Government is getting its nose too much in this and taking their money they sent here and spending it on somebody the Government wants to favor with Federal largess. I do not think that is what the election meant: that we ought to spend more.

Also, on the question of the bailout, less than one-third of the American people in the Rasmussen Poll said they favored an automobile company bailout. This is contrary to our fundamental principles. We may have to, at certain times, do things that are a violation of principle. We ought to be very cautious about doing so. These are things that have served this country well for over 200 years. We need to be careful about it.

So I do not think the change people voted for was to authorize Congress to go on a wild spending spree, throwing money at every problem. We have already had, this year, a \$150 billion stimulus that was supposed to ward off the recession—sending out checks to everybody, and this was going to fix it.

I hated to vote against that, but I could not vote for that \$150 billion, every penny of which went to the debt. We were already in deficit, so we added another \$150 billion to the deficit in one fell swoop. What did we tell people to do? We told them to go out and spend. I know the Acting President pro tempore is from Nebraska. I know he was raised right. We have had a talk about families and how families work. When you have a financial problem, you do not tell your children to go out and see how much they can spend. You ask them to get smart about what they have been doing.

When the economy goes into a recessionary period, people start watching their spending. They decide they do not eat out as much. They decide they cannot buy as fancy clothes. They decide they cannot afford a big, expensive house that has also been going up in price, and maybe it is not going up now, so they wisely decide to stay renting or stay in the house they have, which depresses the price of housing. This is the business cycle, I will just say.

I feel like we work our way through that. As people get their debt paid down, they start buying more. In the meantime, certain companies get hurt. Companies that are selling big gas-guzzling vehicles and are committed to that product are going to be one of the groups that gets hit the hardest. I wish it were not so. I know this is not a matter of insignificance that domestic automobile companies are in financial trouble. But they have been promoting a product the American people do not want right now and they are committed to that product and it is troubling as to how we work our way out of it. But I think rewarding misbehavior is not the way to do it.

So it is pretty clear now that we are in a recession and that credit had been too cheap in the years leading up to this. We had a bubble in housing. People thought prices would never go down, and they bought houses larger than they could afford, made payments that stressed them to the very limit to afford those big houses, pretty much on the theory that the housing prices were going to continue to go up and would never go down. Those of us who have been around a while should have known that is not a good way to go. We have known, and we have seen it in our very neighborhoods, the young couple buying huge automobiles, borrowing money to do so—\$40,000, \$50,000, \$60,000—that they could not afford. It also guzzled fuel, cost them more at the pump, and each month they ran up debts on their credit card, including gasoline. When you get to the maximum limit, you have to cut back.

So what do you do? You do not buy as many of these things, you do not add as much, you do not buy the big cars, some people cannot afford to hold on to their big houses, and you go through a recessionary period. It is not a matter we ought to treat lightly. I certainly recognize that.

But as USA Today said a month or so ago, an economy founded on excessive personal debt, excessive Government debt, and huge trade deficits, is not sound. That is just it. We have to change our ways. We cannot buy our way out of this situation. There is no free lunch. For anything that somebody puts in front of you to eat, somebody has had to pay for it to get it there. Debts have to be repaid. We have to be honest about it. We cannot continue to throw money at this problem. We are going to have to take our lumps now and come out of it stronger rather

than trying to postpone the problem, kicking the can down the road in some desperate attempt at stimulus to avoid any pain in a normal recessionary cycle.

So I worry about it. Let me tell my colleagues about the deficit. The deficit surged after 9/11. We had increased spending at airports and we did all kinds of things and the deficit went up to almost \$420 billion—one of the biggest deficits in dollar terms we have ever had, not as a percentage of GDP, but a huge deficit and a reversal of the situation prior to that. That deficit has gone down. A year ago September 30, our deficit for the year was \$161 billion; still large, too large, but going in the right direction. As of September 30 of this year, after we popped \$150 billion earlier this year directly into the deficit to fund the stimulus that was supposed to avoid a recession, now the deficit this year was \$455 billion. And the one we are in today, I saw an article recently that said the deficit will clearly be in excess of \$750 billion, the largest deficit in the history of our country and, probably, as a percentage of GDP, one of the largest we have ever had. Now we are talking about more spending, more spending, more, more, more; we have to bail out this industry, that industry, the other industry.

Alabama was heavily reliant on textiles. Now, seventy percent of our textile industry is gone. You can go to town after town where sewing plants existed—no longer there. Should the Federal Government have stopped that? The little community in which I grew up, the original community was on the river where steamboats plied the river. After railroads came, the community sort of moved a few miles over to the railroad. That is where I grew up, in a little railroad community. Then the passenger trains stopped, and the freight trains stopped and people had interstates and other ways to communicate and travel and airplanes came along. Should we have passed—we had a railroad depot there, and my friend's dad ran it. Well, it is closed. Should we have passed a law to keep the railroads just as they always were and all the depots out there? Years ago you remember the debate over whether the union should require a fireman, who used to shovel coal into the steam engines, to sit on a diesel train. That was part of the union contract. For decades after we ended steam engines, the union contracts required a person named a fireman to sit on a diesel train with the engineer. This is not sound.

Change is inevitable. We have to adjust to it. That is what we need to do. Maybe there are ways we can help the automobile industry—I assume there are, and I would be prepared to discuss that—but we have to be realistic and honest. When we start throwing money at private corporations to save them from the forces that are at work in our economy, we are taking on a big challenge.

This is a metaphor I have in my mind. Do my colleagues remember the story of the folks who flew airplanes over the hurricanes and threw out dry ice and they believed if they could just throw out enough dry ice, they could stop the hurricane? Well, we can't throw money into this financial hurricane and stop it either. We have to hunker down and do what we have always done to work through difficult financial circumstances. We can be sophisticated and come up with some good ideas that can help—and I am certainly for that—but I would tell my colleagues as a matter of principle we need to be very cautious about picking and choosing who we are going to reward with Federal taxpayer money.

In a meeting yesterday, Secretary Paulson was quite correct. He said: Look, any time you take Federal money and insert it into the marketplace—and he was talking about the automobile industry and the banking industry at the time—you distort the market. You help some companies and industries and you hurt others. I would just add, you do so with taxpayer money, you are taking sides in the process. That is dangerous, and we need to be as careful about it as we possibly can. So I would just raise those points.

Do my colleagues know our savings rate in America fell below zero at the height of this boom, at the height of this housing bubble, this automobile bubble? Gasoline prices were through the roof, commodity prices through the roof, farm prices surging, gold and other metals going up at incredible rates. They are all falling now, but during that time we didn't have any savings. Our savings rates fell below zero. Now that we are going into a recessionary period—and we are in a recession—people are saving. The savings rate I saw recently was about 3 percent. So people are not consuming as much. Is that all bad?

When people don't consume as much and don't travel as much, the hotels are not as full, the restaurants are not as full, the automobile companies can't sell as many automobiles, and they are going through tough times. But when you have an excessive boom, this is the kind of thing that is bound to happen.

One observer of the scene made this comment in 2006 about the housing market. He said:

Housing prices cannot continue to increase at twice the rate of the growth of GDP, and they cannot continue to increase at this rate when wages are basically flat.

Now, doesn't that make sense? Didn't we know people who couldn't afford a house because the prices were outrageous? There are some benefits from the collapse and the boom on housing prices. An average person now may be able to buy a house at a more reasonable price than they were before. So these are the cycles we go through.

The timber industry in my State depends on home building. When construction is down, our saw mills are

shutting down in small towns, and that is the only business they have. Are we going to bail out the saw mills today? Is anybody proposing that? Then, the people who work in the woods to harvest the timber—good, honest, hard-working Americans—if the saw mills can't buy the lumber—are they getting an hourly wage? Are they being laid off? Yes, they are, as part of this tough cycle that we are going through.

I wish to ask this fundamental question: Who is going to bail out the American Government? Who is going to bail out the American taxpayers for the expenditures that we are increasing? I ask this: Isn't it true there are three basic ways to deal with money we are borrowing today, perhaps \$1 trillion this fiscal year? When I say \$750 billion to \$1 trillion, I am not counting the \$700 billion bailout. That has not been scored yet. I am talking about other spending, including some of these bailout proposals.

So there are three ways we could do it. We could cut spending. Our Democratic colleagues were pretty hard on Republicans for, they said, spending too much, and they were right more than I would like to admit. I would just say this: Are we getting any better now? The talk we are hearing today, is it spend more, more, more, more, or is it a discussion about a contained spending? No. What we are hearing from the change group, I am afraid, is spend more.

Well, that is one way to pay off your debts. Another way would be to raise taxes. None of us want to see taxes raised, for heaven's sake, especially not in a time of economic slowdown, so taxes is not a likely way to pay off the debt.

What has happened throughout history? Fundamentally, the way debts are paid off is by debasing the currency.

The PRESIDING OFFICER (Mr. CARDIN). The Senator's time has expired.

Mr. SESSIONS. Is that 10 minutes, I believe?

The PRESIDING OFFICER. Yes.

Mr. SESSIONS. Mr. President, I would ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the Senator is recognized.

Mr. SESSIONS. So I am afraid of inflating the currency, reducing the value of currency so that when the government has to pay back debts, it pays back in dollars less valuable than the ones it borrowed, and we basically cheat the people who loaned money. When that happens, they are going to demand a higher rate of interest on the trillions of dollars of debt we have today.

Let me briefly share with my colleagues some thoughts about the bailout and why I cannot support the plan that is being proposed and offered by Senator REID, the Democratic leader. I commend to my colleagues the article

by Michael E. Levine entitled, "Why Bankruptcy Is The Best Option For GM." He is a former airline executive and is a distinguished research scholar and senior lecturer at NYU School of Law. He just points out this fact—and as a lawyer, I think he is absolutely correct. Regarding contracts and ways that would really reform and streamline and make these companies competitive, he said this:

Contracts would have to be bought out. The company would have to shed many of its fixed obligations. Some obligations will be impossible to cut by voluntary agreement.

Why would somebody agree to have you not pay them what you have been paying?

Then he said: "GM will run out of cash and out of time." That is even if we give them \$25 billion. They cannot fix themselves until they confront their costs that are pulling them down.

Mitt Romney, whose father was a CEO at American Motors, in his recent op-ed estimates that the average American automobile is carrying a \$2,000-per-car excess cost. If you wonder why foreign automobiles are better, it is because they can put 2,000 more dollars in it. So how do you get out of that? You have to get out of these contracts.

Mr. Levine fundamentally points out that through the process of reorganization—not chapter VII liquidation but the process that Delta Airlines used to reorganize itself—is the one way you can get out of these contracts and restructure the company, reduce some of its burdens, and come back again as a fighting, competitive company, producing automobiles that people will buy in large numbers. I think that is very possible.

So in bankruptcy, those kinds of things can occur that can occur outside. Mitt Romney, in his editorial, said:

A managed bankruptcy may be the only path to the fundamental restructuring the industry needs. It would permit the company to shed excess labor, pension, and real estate costs. The Federal Government should provide guarantees for post-bankruptcy financing and assure car buyers that their warranties are not at risk.

Now, those are the kinds of suggestions that come close to making sense to me.

He talked about his father, George Romney, the Governor of Michigan, who also ran for President at one point. This is what he said his father did when he saved American Motors at the time:

My dad cut his pay and that of his executive team, he bought stock at his company—

To show faith in it—

and he went out to the factories to talk to workers directly. Get rid of the planes, the executive dining rooms—all the symbols that breed resentment among the hundreds of thousands who will also be sacrificing to keep the companies afloat.

I think that is the right way to do it. I think we can do that. I really would urge my colleagues to look for ways for this to happen.

Now, you cannot trust the automobile dealers when they come forward and say: Well, we are doing all of these things.

They don't have the power to do these things. I know they don't want to go into reorganization and bankruptcy as Delta Airlines did. But it is not going to be a horrible thing. Delta went in and emerged about a year and a half later. They reorganized, reduced expenses, altered and amended contracts and obligations, and they recently bought Northwest. They went bankrupt in 2005, and they came out leaner and more competitive and are now a viable company. But these CEOs—if you give them money, they are going to have less leverage with the unions, less leverage with their 7,000 automobile dealers, when Toyota has 1,500 automobile dealers. They are going to have less leverage with the lease agreements and health care agreements they entered into years ago, in a different situation, to deal with people's health care requests and demands at that time. They are stuck with that until they can break loose from it.

A bankruptcy judge whose motive would be to help them become leaner and more effective and sends them out as a viable entity so that jobs are saved and debts are fundamentally repaid—that would be the goal of reorganization and bankruptcy. I don't think we ought to be putting a lot of money into this company until we see it in a position that would actually break the chains of \$2,000 per car that is slowing them down, actually pulling them down hopelessly.

I thank the Chair for the opportunity to share some of my thoughts. I believe when we violate the principles of intervening in the free market and picking winners and losers, we are taking a great risk. If we do so, it ought to be done with the greatest of care, the least exposure to the taxpayer, and with the greatest potential for creating a successful company in the end.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

THE LIFE OF DR. RANDY PAUSCH

Mr. CASEY. Mr. President, I rise today to honor the life of Dr. Randy Pausch, who died this past July 25 from pancreatic cancer. Dr. Pausch was a rare hero who rose above his illness and fought to the end for increased public awareness of this devastating illness. In doing so, Dr. Pausch captured the attention of the country, inspiring people with his extraordinary grace, courage, and love of life.

Dr. Pausch was a professor at Carnegie Mellon University in Pittsburgh, in my home State of Pennsylvania. He was an accomplished researcher and dedicated teacher.

Many people know what Randy did because of his famous "Last Lecture," which he delivered at Carnegie Mellon in September of last year. The video of the lecture became an inspirational phenomenon on the Internet. Literally millions of Americans wrote and

blogged about the transformational impact Dr. Pausch's lecture had upon them and their lives. Recently, "The Last Lecture" was turned into a best-selling book.

The lessons from Dr. Pausch that have inspired so many people are simple, but ones we all too easily can forget. He reminds us about achieving childhood dreams and maintaining a sense of childhood wonder. He also encourages his listeners to work hard, tell the truth, be earnest, help others, apologize for mistakes, listen to advice, and never, ever give up. He helps us remember how important it is to simply enjoy life and that each day is a gift.

As his disease progressed, Dr. Pausch was also an impassioned advocate for pancreatic cancer research. He testified before the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, saying:

We don't have advocates for this disease because they don't live long enough. We don't have a Michael J. Fox because people die too fast. Pancreatic cancer is absolutely ruthless. Part of my job is to put a face on the disease.

So said Dr. Pausch so poignantly about this disease, because indeed pancreatic cancer is ruthless. It is the fourth leading cause of cancer death in the United States of America. Seventy-five percent of pancreatic cancer patients die within 1 year of diagnosis. The 5-year survival rate is barely 5 percent. The survival rate for pancreatic cancer today is the same as it was 30 years ago.

Randy was only 45 when he died of pancreatic cancer on July 25 of this year. He left behind his wife Jai and their three children, Dylan, Logan, and Chloe.

Dr. Randy Pausch lived life to the fullest in every sense of that word, in every sense of that phrase. He was a loving husband and father, a dedicated educator, and an impassioned advocate. While his life was cut short by pancreatic cancer, his legacy for living is one we should all cherish. I ask my Senate colleagues to join me in commemorating the life of Dr. Pausch with the resolution that I and others have introduced. This resolution calls upon communities across this country to recognize November as National Pancreatic Cancer Awareness Month, and urges greater public awareness and resources for prevention, early detection, and treatment of this disease.

Let us, with this resolution, recognize the extraordinary gift that Dr. Pausch's life was to humanity and strive to make progress with this deadly, ruthless disease.

I commend Senator CLINTON for her leadership on this issue and for introducing this resolution. I am joined as a cosponsor by my colleague from Pennsylvania, Senator SPECTER. For their help, we are greatly appreciative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

TRIBUTE TO RETIRING SENATORS

PETE DOMENICI

Ms. COLLINS. Mr. President, as the 110th Congress draws to a close, I rise to say thanks and farewell to one of our hardest working and most dedicated Members, Senator PETE DOMENICI of New Mexico.

PETE DOMENICI's story is truly the American dream come to life. The son of immigrants, PETE worked in the family grocery business, earned a college degree, taught school, obtained a law degree, and served in local government before his election to the Senate.

I cannot overlook one vitally important part of his biography, and that is his stint as a pitcher for a farm team of the old Brooklyn Dodgers. Who knows how much different history would be if his fast ball had had a little more "pop" to it?

For 36 years, however, baseball's loss has been the Senate's gain. The character developed by athletic competition—determination, hard work, a sense of fair play—is fully evident in PETE's six terms in office.

When the people of New Mexico chose PETE DOMENICI to be the longest serving Senator in their State's history, they chose wisely. His tireless work on a wide range of issues has helped to ensure a better future for all Americans, rural or urban, large State or small. He is a respected leader on some of the most important challenges of our time, such as strengthening energy security, curbing nuclear proliferation, and promoting sound Federal budget policy.

PETE's understanding of the budget process is matched only by his appreciation of the critical role fiscal responsibility plays. His service on the Budget Committee established his universal reputation as one of the Senate's hardest working, most intelligent, and best-informed Members. His focus on results rather than the limelight led one colleague to describe him as having "a terminal case of responsibility."

Senator DOMENICI is also a true champion for biomedical research, and especially for Americans suffering from mental illness. He has worked unceasingly over the years to increase the understanding and to eliminate the stigma associated with mental illness. He has led the effort in the Senate—first in partnership with Senator Paul Wellstone, and later with our colleague Senator TED KENNEDY, to pass legislation that requires insurers to cover mental illness in the same way they cover physical illnesses.

Thankfully, those efforts have finally borne fruit with the inclusion of his legislation in the economic stimulus bill, the stabilization bill passed in the Senate. It is a victory not just for Senator DOMENICI's longstanding efforts but also for the estimated 50 million Americans who suffer from some kind of mental illness. It is a testament to his dedication and his compassion.

Senator DOMENICI's tenure has been marked by vision, common sense, and a

commitment to results. When he became chairman of the Energy and Natural Resources Committee in 2003, Senator DOMENICI set to work to craft the first major comprehensive energy bill in more than a decade. Many thought it would be impossible to put together the bipartisan support to pass the Energy Policy Act of 2005, but Senator DOMENICI did it. That landmark law laid the foundation for American energy independence, the responsible use of existing resources, and the development of new technology. We can build on that foundation by following the model he set of informed debate and thoughtful consensus.

While most of his many accomplishments have national significance, there is one that may not be well known outside of his home State. More than a decade ago, PETE DOMENICI introduced a program that has helped the schoolchildren of New Mexico learn trustworthiness, respect, responsibility, fairness, caring, and citizenship. This program is called "Character Counts." It fully epitomizes what PETE DOMENICI is all about. It fully describes his legacy because, with PETE DOMENICI, character has always counted.

Senator DOMENICI leaves this Chamber with an overflowing and bipartisan store of good will and gratitude. We are all losing an outstanding colleague. On a personal note, I am also losing an outstanding Washington DC neighbor, since PETE and his wonderful wife, Nancy, live right down the street from me. I am pleased to be among the many Senators offering thanks for his years of service and best wishes to him and to Nancy.

GORDON SMITH

Mr. President, for nearly 70 years, the film "Mr. Smith Goes to Washington" has inspired Americans and people around the world with its uplifting story of how one man of conviction and character can make a difference. Today, I am honored to offer a few words to the Mr. SMITH of our time: Senator GORDON SMITH of Oregon.

Senator SMITH came to Washington to make a difference—and he has. He and I were sworn into the United States Senate on the same day, January 7, 1997. Although his State and mine are a continent apart, we quickly found that we had a lot in common.

It has been a joy to work with GORDON SMITH on so many important issues. Of course, where I come from, the name "Senator Smith" conjures up not just the beloved movie but also a towering, real-life figure, and my inspiration in public service. Although Margaret Chase Smith of Maine and GORDON SMITH are separated by time, they are united in a spirit of independence and integrity. Both served with strong convictions but with respect for the principles of others. Both spoke up when they saw wrongdoing. Both had extraordinary courage that allowed them to speak out when they thought their own party was in error. Both saw the aisle not as a barrier to progress

but as a bridge to reaching consensus on behalf of the American people.

This focus on moving forward is especially apparent in GORDON SMITH's effective work on issues of great importance in Maine, in Oregon, and everywhere in between—health care, tax relief, small business, equal rights, and foreign policy. These challenges are ones that require careful consensus-building, a responsible approach that has defined GORDON SMITH's service here.

GORDON SMITH is simply a wonderful person and an extraordinary leader. We all remember the terrible tragedy he suffered with the loss of his son during his service here, a terrible tragedy that gave him and his family such sorrow. But it is typical of GORDON SMITH that out of that tragedy, he chose to do something to help prevent other families from enduring the tragedy of the loss of a child. That is so typical of GORDON SMITH—always thinking of others, always trying to do what is right, always committed to public service.

"Smith" is one of the more common names in the English language, but in this Chamber the name has special meaning, one of uncommon principles and extraordinary accomplishments. It reminds us of a cherished film, of the great lady from the State of Maine, Senator Margaret Chase Smith, and now of Senator GORDON SMITH. I thank him for his service and his friendship, and I wish him all the best in the future.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maine is recognized.

ELIZABETH DOLE

Ms. COLLINS. Mr. President, when she came to the Senate 6 years ago, ELIZABETH DOLE brought with her a resume that for most would describe a full lifetime of public service and accomplishment. The intellect, principles, and dedication ELIZABETH applied to her earlier endeavors have been readily apparent in the Senate. America has been enriched by all of Senator ELIZABETH DOLE's public service.

Her record of public service is truly inspiring. From the Office of Consumer Affairs and the Federal Trade Commission to the Secretary of Transportation and Labor, she has served five Presidents. Her tenure in each of these positions has been marked by the dedication, effectiveness, and accomplishments that we have seen firsthand in the Senate.

Nothing more fully describes ELIZABETH's character than the fact that she left Government service only to be-

come the president of the American Red Cross, joining founder Clara Barton as the only women to hold that position. In the spirit of that great organization, ELIZABETH worked as a volunteer her first year, accepting no salary. Under her leadership, the American Red Cross was a model for charitable organizations, with 91 cents out of every dollar contributed going directly to help those in need.

ELIZABETH led the American Red Cross by example. Following the gulf war, she visited Kuwait to assess personally the services provided to our military personnel. She traveled to famine-stricken Somalia and Mozambique and to war-ravaged Croatia. She led a humanitarian relief operation to Rwanda refugee camps. That same commitment, courage, and compassion have been the hallmarks of her work in the Senate.

Those of us who are women also appreciate the many times ELIZABETH DOLE has blazed the path forward for other women. We know she was one of the very first women to attend Harvard Law School. Think how difficult that must have been for a woman raised in the South. Yet she persevered and she excelled and she broke barrier after barrier for other women.

In her campaign for President in 2000, ELIZABETH DOLE had a profound effect. She attracted legions of new voters into the political process. She encouraged women throughout the country and of all political persuasions to step forward and get involved in the campaign and to run for public office themselves. Many of the cracks in the glass ceiling are the work of her hands.

Here in the Senate, I have been privileged to work alongside Senator DOLE as members on the Senate Armed Services Committee. She has been one of our strongest and most eloquent voices for the men and women in uniform, and her commitment to them is inspiring. Her dedication to strengthening our national security and modernizing our military is unsurpassed.

It is certainly no accident that she is married to a man—former Senator Bob Dole—who exemplifies the quiet courage and devotion to duty that are the hallmark of America's armed services and by which both Senator Dole's are known.

I know that all in the Senate and throughout our Nation will agree that just a few of the words that best describe ELIZABETH DOLE are "intelligence," "principles," and "commitment." To those, I am proud to add the word "friend." I will miss serving with ELIZABETH DOLE. I wish her all the best in the years to come.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mrs. MURRAY. Mr. President, next week Americans across our country are going to be celebrating Thanksgiving. It is a time that we reflect and give thanks for our families and friends and all that we have. But far too many of our families across my State and across this country have far less than they did just a year ago. They lost their homes, their cars, their health care, their 401(k)s, and their jobs. Just this month, we learned that this country has lost a total of 1.2 million jobs this year. Over half of that decrease came in the last 3 months alone.

Across this country, people are hurting, and some of the hardest hit have been our veterans from the wars in Iraq and Afghanistan. Thousands of our veterans are still recovering from physical or psychological injuries that make it very hard for them to pay their bills or to find a job, and too many find themselves sliding quickly into bankruptcy or foreclosure. Yesterday, in fact, the New York Times reported that advocacy groups have seen a huge increase in the number of veterans asking for financial help over the last year.

Americans made it very clear on election day that they want a new direction in this country. They want action that will help pull us out of this economic crisis. President-elect Obama has already announced that his first priority will be an economic recovery plan that invests in our country's infrastructure. As chair of the Appropriations Transportation and Housing Subcommittee, I stand ready to help with that. But, as the latest jobless reports show, we can't afford to wait even until January, when we have a new President, to start providing the help Americans need today. That is why I have come to the floor. We need to take action that will create jobs, diversify and modernize our economy, and help our families cope with this economic downturn.

This week, Senator BYRD and our majority leader, Senator REID, proposed an economic stimulus bill that would do just that. Their bill is targeted at the biggest needs in our country today. It will create more than 635,000 jobs by investing in infrastructure and green energy development, and it would help our most vulnerable citizens put food on the table and keep a roof over their heads.

Congress can make a real difference for millions of families across our country. If there was a mandate given on November 4, it was for Government to work for the people once again. America's working families want a government that will turn our economy around and end this war, and they want true progress on health care and on education. That is our mandate. We have an awful lot of work to do, and we need a bipartisan effort to do it. But we

cannot just sit around waiting until we have a new administration and a new Congress. Americans are hurting today.

We have the ability in this Congress to come together across party lines and pass a bill that will put Americans back to work and stabilize our communities across this country. I wish to take a couple of minutes this morning to outline how that package will help get our country moving again and help those most in need.

First of all, it is critically important that we help families who have already lost their jobs and are drawing unemployment today. Especially with employers cutting jobs each month, there are hundreds of thousands of Americans who need help for basic needs while they look for work. This package reaches out to those families by extending unemployment benefits by 7 weeks across the country and 13 weeks in States where the jobless rate is the highest. It also brings relief to communities, since every dollar of unemployment benefits generates \$1.64 in additional economic activity. This helps everyone.

This bill also provides help for the millions of families who are struggling today to find safe and secure housing. Across the country, public housing is badly in need of repair and improvement. This bill will allow communities to rehabilitate vacant public housing units, improve energy efficiency, and jump-start construction of new projects that will serve those tenants. It will also help address a growing problem in our community: renters who lost their homes because their landlords were foreclosed on. This bill will help protect these innocent victims of the foreclosure crisis and help them find immediate shelter and long-term housing.

One reason we need this bill badly is because it offers help to those who need it most, those who have lost their jobs and homes who are struggling to find housing today. But this bill will also help our communities and jump-start our economy by creating more than 635,000 jobs, investing in new technology and repairing our infrastructure. For example, this package would make investments in highway and bridge construction in every single State—all 50 States—by providing \$10 billion to help fund projects that are ready to go today. We know that for every \$1 billion we spend on highways, we create more than 34,500 good jobs. So this package will create more than 345,000 jobs.

Additionally, it is important to note there are no earmarks in this bill, no special projects as part of the highway funding in this bill. All highway dollars will be spent according to the formula that has been established for the Surface Transportation Program in our SAFETEA-LU highway bonds. States would have to put this money to work in 180 days.

We also know that roads are not the only area where communities need

transportation dollars. Cities across our country are struggling to repair and expand their bus and rail systems as demand for mass transit and public transportation is skyrocketing. So this bill will improve and expand mass-transit systems so that millions of commuters can get to work smoothly and on time. It will help repair and improve our Nation's airports. It will make needed investments in our Nation's ferry transportation system and modernize our Nation's shipyards to make them competitive and efficient.

While creating these jobs will help get our economy going again, we also need to work to make sure our workers are prepared to compete for the jobs of the future. So this package does that by helping 160,000 dislocated workers and youth get education, training, counseling, and job assistance. This is particularly important for young people who are disengaged from school and for disadvantaged teenagers who are often hurt the most when our unemployment rates are high. It is critical that we enable these young people to get work experience now because if they lose out, they are less likely to move successfully into a career later.

We know teens without jobs are more likely to turn to crime or join gangs which cost our communities millions in law enforcement and lost productivity. Not only will the programs this bill supports pay off as the economy picks up over time, they will help stimulate the economy in the short term too, because, you know, teens spend immediately all the money they make. So that will help everyone.

This package also recognizes that we need to start investing in new and healthy industries that will help create new, good-paying jobs and help strengthen our economy for the long term. I think one of the most promising fields is green technology. That is why this package would invest almost \$7 billion in research and development that would help us create new energy sources and improved energy efficiency.

Not only is the research and development absolutely vital in order to create the technology and the new jobs that come with it, but research and development and clean technologies are critical if we are going to become energy independent.

So these are parts of the package which I believe will be a shot in the arm, that will help our economy for many years to come.

Before I finish today, I do want to address the provisions in this bill that would help the country's struggling auto industry. I want the auto industry to remain viable and continue to support the millions of jobs across this country which depend on its success. But I cannot support any more funds without concrete assurance the automakers have a strategy to restructure and become viable, competitive companies. The auto industries cannot continue to follow a failed business model and then come here and ask for help.

I supported the \$25 billion with strong restructuring language for the auto industry in the continuing resolution we passed a month ago. I will need to be convinced that adding funding will not only save jobs but the industry leaders will take seriously the issue of restructuring and work to reinvigorate an industry that continues to teeter on the brink of failure.

I am also, I have to say, very concerned about the blame being laid at the feet of the hard-working men and women in this industry. The auto industry's current financial industry crisis is the result of many financial factors, not the result of the cost of employee health care and negotiated contract benefits upon which numerous working families and retirees depend.

If the Federal Government, funded by working and taxpaying families, is expected to explore financial aid to ailing corporations, then I expect to hear about sacrifices industry management will make during these tough times. I am very hopeful we can do that.

A month ago this Congress came together and passed a bill to help restore stability in our financial markets. Well, we need this bill to provide stability for our communities and for our working families at home. We need it to help the most vulnerable among us to keep food on their table and a roof over their head.

We need it to help unemployed workers pay the bills while they start another job search. We need it so that we can create jobs, invest in our communities, and support new developments in sustainable and emerging industries.

We can start solving this economic crisis now. We can provide our families with the help they need for the holidays and before this economic situation gets worse. I hope our colleagues will join together, work across party lines, pass this stimulus bill, and offer hope this year to millions of struggling families across this country.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO STUDS TERKEL

Mr. DURBIN. Mr. President, I want to take a few minutes to say thank you and farewell to a Chicago legend and a national treasure.

Studs Terkel—author, actor, television pioneer, civil rights champion, law school graduate, social historian,

jazz critic, disc jockey, champion of little guys and all the underdogs in America—died quietly in his Chicago North Side home on October 31. Studs was 96 years old.

His interviews over 50 years with the celebrated and the uncelebrated made him famous around the world. But there was no place on Earth where he was better known or loved than in Chicago, his adopted hometown.

When he turned 95 in 2007, Chicago threw a party, complete with a sky-writing plane that proclaimed: "Happy Birthday, Studs." No last name was needed.

What was remarkable, however, is not how many Chicagoans knew him by his first name, but how many Chicagoans Studs knew by their first names.

After Studs died, a British journalist recalled a day he spent with Studs more than a decade ago when Studs was still doing his syndicated radio program 5 days a week at WFMT in downtown Chicago. This person wrote:

The journey to and from [Studs'] office was through a subterranean labyrinth of corridors and shopping arcades linking the WFMT building with the tower containing the luncheon club. Beside the elevator door was an Irish attendant he knew, and they burst into song. Then there was an extraordinary ritual, involving an employee at Johnny's Shoe Shine. "Another day!" belated Terkel from quite a distance. "Another triumph!" boomed back the reply.

Forget Sinatra. Chicago was Studs Terkel's kind of town. He loved Chicago because, in his words, "Chicago is the country. It is America; it is a metaphor for everything."

Elizabeth Taylor, the Chicago Tribune's literary editor and one of his good friends, said Studs Terkel "was Chicago and everything good about the literary world—make that the world in general." I agree.

The last time I saw him was about 2 months ago at a bookstore in Chicago. Studs was signing copies of his second to last book, a wonderful memoir called "Touch and Go." He wore his trademark red-checked shirt. The bookstore was packed with people. Studs was nearly deaf by then, but if he looked straight at you, he could tell what you were saying. But that is what he was doing—still listening, listening, listening to everyone who approached him.

It was a slow moving line as we waited to have our books autographed. I waited more than an hour to say hello and get my book signed, but I am glad I did.

"Calling [Studs Terkel] a 'writer and broadcaster' would be like calling Louis Armstrong a 'trumpeter' or the Empire State Building an 'office block.' Strictly and sparsely speaking, it is true." So read his obituary in London's Guardian newspaper.

On radio, TV, and more than a dozen books, Studs Terkel interviewed some of the most famous of the 20th century—Simone de Beauvoir, Margot Fonteyn, Arthur Miller, John Kenneth

Galbraith, Tennessee Williams, Margaret Mead, Leonard Bernstein, Louis Armstrong, Buster Keaton, Marlon Brando, Bob Dylan, Aaron Copeland, Zero Mostel, Mahalia Jackson, James Baldwin, and the list goes on and on.

He interviewed a 90-year-old Bertrand Russell in a village in North Wales during the 1962 Cuban missile crisis and almost erased the tape of their conversation because he was pretty clumsy with his tape recorder. Studs never overcame that ineptitude. He said it was actually an asset because it made the people he interviewed want to help him.

But it was Studs Terkel's interviews with ordinary Americans, not celebrities, that set him apart. What guided his work? Studs said: "The principle is that ordinary people have extraordinary thoughts—I've always believed that—and that ordinary people can speak poetically."

Accepting an honorary National Book Award medal in 1997, he said:

When the Chinese Wall was built, where did the masons go for lunch? When Caesar conquered Gaul, was there not even a cook in the army? And here's the big one, when the Armada sank, you read that King Philip wept. Were there no other tears?

That's what I believe oral history is about. It's about those who shed those other tears, who on rare occasions of triumph laughed that other laugh.

By talking and listening to ordinary Americans, Studs Terkel harvested what the Economist magazine called "not only the most complete American history of this century, but the most compassionate."

"De Tocqueville with a tape recorder," is what the Times of London called him.

Robert Coles, professor of psychiatry at Harvard, told the L.A. Times:

I think he was the most extraordinary social observer this country has ever produced.

Said his son Dan, Studs "led a long, full, eventful, sometimes tempestuous but very satisfying life."

He was born in the Bronx on May 16, 1912, a month after the Titanic sank. He used to like to say: "I came up when she'd gone down."

His real name was Louis. He took the name "Studs" in the twenties, after Studs Lonigan, the protagonist of James T. Farrell's 1930s novels about an Irish kid from Chicago's South Side.

His father Samuel was a tailor. His mother Anna was a seamstress who moved to America from Poland.

The Terkel family moved to Chicago in 1922 after his father suffered a heart ailment. They ran a rooming house at Wells and Grand.

It was there in a small park nearby formally known as Washington Square but better known as Bughouse Square—a place, Studs said, "where free speech is the power and the glory"—where he first met the workers and activists who would shape his view of the world and fill up his books and tapes.

He graduated from the University of Chicago with degrees in philosophy and

law in 1934 but did not care to work as a lawyer. Instead, after a brief stint as a civil servant in Washington, he joined the Work Projects Administration's Federal Writers' Project, writing radio scripts.

Soon he was acting in radio soaps. Usually, he was the voice of the gangster.

He served a year in the Army Air Corps but was discharged after a year because of perforated eardrums.

He landed his own TV show at the beginning of the television age, the pioneering "Studs Place" but lost it after a few seasons when he was blacklisted during the dreaded McCarthy era.

In the early 1950s, he hooked up with WFMT, a new arts station in Chicago. It was the start of a great partnership. His syndicated radio talk show, "The Studs Terkel Program," ran on WFMT every weekday from 1952 to 1997—45 years.

He played a sports reporter in the 1988 film "Eight Men Out," about the Chicago Black Sox scandal of 1919. And he continued to write almost to the day he died.

He was, said an obituary by the Associated Press, "an old rebel who never mellowed, never retired, never forgot, and 'never met a picket line or petition' he didn't like."

What made him so good? Bob Minzeshimer, a USA Today reporter who knew him, said:

He had the listening skills of a psychologist, the timing of a comic, the curiosity of a scholar, and the gravelly voice of a boxing promoter.

He wrote with honesty, empathy, eloquence, and humor. Above all, he wrote with real respect for the people he interviewed.

As the writer for the Economist said, "Talking to Mr. Terkel, the copyboy or the short-order clerk or the welfare mother felt, at last, like somebody. They counted; they had possibilities."

His first book, "Giants of Jazz," was published in 1957. Nearly a decade passed before he wrote another, but it was worth the wait. "Division Street," released in 1966, contrasted rich and poor along that same Chicago street and won him international recognition.

Studs' best known book, "Working," was published in 1974. In 1999, a panel of judges organized by the Modern Library, a book publisher, ranked "Working" as No. 54 on its list of the top 100 best English language works of the 20th century. He won a Pulitzer Prize in 1985 for "The Good War: An Oral History of World War II."

Among his other books are "Hard Times: An Oral History of the Great Depression"; "American Dreams: Lost and Found"; "The Great Divide: Second Thoughts on the American Dream"; "Race: How Blacks and Whites Think and Feel About the American Obsession"; "Coming of Age: The Story of Our Century by Those Who've Lived It"; "Will the Circle Be Unbroken? Reflections on Death, Rebirth"; "Hope Dies Last: Keeping the

Faith in Difficult Times"; "Touch and Go"; and his final book, "P.S. Further Thoughts from a Lifetime of Listening." They just released it last week. It was at his bedside when he passed away.

He received so many awards: a Peabody Award for excellence in journalism; the National Book Foundation Medal for contributions to American letters; the Pulitzer Prize for his book "The Good War"; the Presidential Humanities Medal; the National Medal of Humanities; the Illinois Governor's Award for the Arts; and the Clarence Darrow Commemorative Award.

He was the only white writer to be inducted into the International Literary Hall of Fame for Writers of African Descent at Chicago State University.

But the recognition that meant the most to him didn't come from the media. It was comments from people he worked with, people whose eyes he opened. Like the man who stopped him on the Michigan Avenue bridge and told him that after reading the words of Delores Dante in "Working," he was never going to be rude to a waitress again.

Besides Chicago, the other great love of Studs Terkel's life was his wife Ida, with whom he shared a happy marriage for 60 years until she passed away in 1999.

Mischievous to the end, Studs said he wanted to be cremated and have his ashes mixed with Ida's, and he wanted them both to be scattered in Bughouse Square. "Scatter us there," he said. "It's against the law (so) let 'em sue us."

In "Touch and Go," Studs Terkel worried that our Nation suffered from "a national alzheimer's disease," as he said it, and a lack of historical perspective that made government the perceived enemy.

He believed that government ought to stand up for the little guy and hold the powerful accountable. He believed it because he had seen it before.

There would never be a good time to lose Studs Terkel but now seems like a particularly bad time for such a loss. Our economy is in crisis. Real people are hurting. Ordinary people who worked hard all their lives are watching their savings disappear. Millions of Americans are losing their jobs and their homes. They are seeing hundreds of billions of their tax dollars handed out to banks and to Wall Street, and I guess they are wondering: Is anybody in Government listening to them?

In these hard times, in this rare lameduck session of Congress, we in the Senate would do well to follow Studs Terkel's example: to listen not only to the wealthy and well connected but also to the quiet hopes and concerns of everyday Americans. As Studs Terkel showed in his immortal works, those everyday Americans are the soul and real strength of America.

Our condolences go out to Studs' and Ida's son Dan and to all who knew and loved Studs Terkel.

He stood only 5 feet 5 inches tall, with a slouch that made him look even shorter. But in Chicago and so many other places, Studs Terkel was a giant; and he will be greatly missed.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC RECOVERY ACT

Mr. SCHUMER. Mr. President, I rise to speak about the Economic Recovery Act, which is a comprehensive stimulus package. We need it. Our Nation needs this. It is a much needed shot in the arm for our ailing economy. When the economy is ailing, there are two choices: We can choose the path of, say, Herbert Hoover and say: Government should not be involved, let an ideological straitjacket tie us up—We know what happened then—or we can choose the course economists on the left, the middle, and the right have said we should choose, which is we need a major stimulus package to get the economy going.

I would have hoped we would have made the choice to help this economy and help the millions of Americans who are worried. Hundreds of thousands have lost their jobs, millions more are worried about losing their jobs, and tens of millions see every week that the paycheck does not stretch as far as it did.

We face an economic crisis of a scale and scope that we have not experienced in 25 years, if not longer. By every measure we are headed toward a cliff. We are in the midst of the greatest housing crisis since the Great Depression. Unemployment has been rising rapidly and is expected to hit levels we have not seen at least since the early 1980s.

States and localities face massive budget shortfalls that may force them to raise property taxes unless Federal assistance is delivered. Families are running harder just to stand still, seeing their incomes shrink while their costs, especially their food and energy costs, are far greater than they were 1 year ago.

The credit contraction that has spread from the financial system to average households has pummeled American businesses in every part of the country, businesses big and small. Not even the most optimistic among us can argue that our economic problems will take care of themselves.

The question before us is: What are we, as stewards of the public trust, going to do? I believe the answer is clear: The Federal Government should, it must, provide an economic stimulus to Main Street as we have to Wall

Street. It must be significant and substantial and it must be targeted at our most pressing needs.

The plan before us does that. It will prime the pump of America's job machine, by fast-tracking \$13.5 billion of investment into our Nation's infrastructure which forms the bedrock of our economy. It will help the States avoid the difficult decision to raise property taxes; you cannot do that now. But some of them may have no choice because they have budget shortfalls. But we can avoid that terrible choice by delivering \$40 billion in emergency fiscal aid through the FMAP.

The stimulus package before us will jump start renewable energy production by making major investments in the technologies that will not only help America become energy independent but will make us a global leader in the next generation of fuel-efficient vehicles.

Importantly, this bill will also resuscitate small business lending. We all know small businesses are the engine of our economy. But small businesses have been overlooked in the financial rescue efforts to date.

So working with my friend and colleague from Massachusetts, Senator KERRY, we have worked to include provisions in this stimulus package that will throw our small businesses a life vest to weather this storm so they can emerge from it as leaders in job creation.

Small businesses generally rely heavily on loans from banks to build inventory, meet their payroll consistently, and fuel the growth of the business. These loans have all but dried up, threatening the survival of car dealerships, mom-and-pop pharmacies, restaurants and shops all across the Nation.

The Federal Reserve recently reported that 75 percent of domestic banks said they had tightened their lending standards for small-business loans, 75 percent. At the same time, 70 percent of the lenders told the Fed that they would charge more for those loans. According to the New York Times in an August opinion poll, two-thirds of entrepreneurs told the National Small Businesses Association that their companies had been hurt by the credit crunch.

Traditionally, Small Business Administration loans have filled this gap. But chronic underfunding of the SBA under the Bush administration and its outdated fee structure have greatly reduced lender participation and undermined the valuable function that SBA lending could play during this credit crisis.

In October alone, the number of loans made under SBA's largest loan program dropped over 50 percent compared to the same month last year. So the economy desperately needs this shot in the arm.

And SBA's loan program is cut in half. What foolishness. Why do we not

change it? That is why Senator KERRY and I fought to include in the economic stimulus package provisions that will modernize the SBA and jump start lending to small business.

Our bill provides \$615 million to support \$22.5 billion in zero-fee loans to small businesses under the 7A and 504 programs. Providing zero-fee loans will deliver needed relief to small business on Main Street during Wall Street's financial crisis.

The bill also provides \$1 million to support \$10 million in new microloans for small businesses and \$4 million for critical technical assistance for these new "micro" borrowers.

In sum, our Nation needs this stimulus package, not just for the small businesses or the large businesses across the Nation but for the American families who have faced devastating hits to their wealth and economic security. We need to build a platform from which we can emerge from this credit crisis as a global leader in energy and innovation and high-paying job creation. I strongly urge the passage of this proposal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

The Senator is recognized for 10 minutes.

Mr. BARRASSO. Thank you very much, Mr. President.

MEDICARE

Mr. BARRASSO. Mr. President, today I come to the floor to tell the Nation a story, and it is the story of a Wyoming doctor, a doctor by the name of Randy Johnston. He is an ophthalmologist who practices in Cheyenne, WY. He is very qualified. He is very capable. He is also a good friend.

The reason I come to tell you this story is because, like many doctors across the country, Randy takes care of people on Medicare, and occasionally in his practice as an ophthalmologist he gives shots to people on Medicare. As a matter of fact, there is a picture of Dr. Johnston on the front page of the American Medical News. This is an article dated November 10, written by Jane Cys, and it shows Dr. Johnston in his office in Cheyenne getting ready to give a shot.

Well, in the past, Randy would buy the drugs that his practice uses and then bill the patients for the treatment. The drugs that Randy uses are typically injected, but under this Part B Medicare drug program some are infused through a patient intravenously right into the vein.

Two years ago, Randy enrolled in a new program created by the 2003 Medi-

care Modernization Act. This Medicare Part B program was called the Competitive Acquisition Program—CAP is the phrase they use. It was designed to give doctors a choice in the way they administer the drugs.

Under the program, the doctor would first see the patient, then order the medicine from a Government vendor, then get the medicine, and then give the injection.

Well, the way it worked is, Medicare would then pay the vendor for the drugs. Medicare also would bill the patient if there was a copay or a premium the patient owed. Randy was only responsible to bill Medicare for the actual treatment of the patient, not for the medicines.

Congress and the Centers for Medicare and Medicaid Services hailed this new program as a way to alleviate administrative burdens and reduce Medicare costs—a good idea. Doctors could now spend more of their time with their patients rather than serving as drug purchasers and bill collectors.

Randy signed up for the program early, and the program that was passed as part of the 2003 bill finally got started in 2006. Randy thought it made good sense for him, good sense for his patients. Some of his Medicare patients could not afford to pay for their office-administered drugs, and Randy saw great potential in this new program. He could transfer the Medicare billing part of it to someone equipped to handle the administrative redtape, and this freedom would leave him more time to focus on practicing medicine.

The program has now been in place for 3 years. What are the results? Well, only 4,200 doctors signed up for the program. You may ask, why is that? Dr. Johnston can tell you, and this article in the American Medical News explains it very well. Administrative hassles, burdensome drug transportation and storage rules, and vendor delivery problems—and that is just to name a few.

For example, the Government rules require doctors to give patients the drugs only in the facility where the vendor delivered the medicine—no exceptions, none. This requirement prevented doctors from moving drugs between their main office and a part-time satellite office they may have in another community.

Washington bureaucrats simply do not understand what a burden this policy can be in rural and frontier communities. Seniors living in rural States such as Wyoming often have to travel great distances—hundreds of miles—to see a specialist like Dr. Randy Johnston. This program, with good intentions, clearly was not designed to meet the unique needs facing rural patients and health care providers who work tirelessly to serve their patients.

Dr. Johnston was also required to order the drugs for a specific individual patient by name. He was not allowed to restock a general office supply to use on multiple patients.

I understand the Government is trying to prevent drug stockpiling. But this rigid program requirement does not give doctors the flexibility they need to practice medicine. This is especially true in emergency situations.

So who is liable when a patient comes to the doctor's office needing immediate treatment but the doctor cannot help because he has to call the Government to send the medicine in the first place, even if he has a supply on hand for another patient? The program's current design has turned out to be a bureaucratic nightmare.

After only 3 months in the program, Randy Johnston wrote Medicare a letter begging—I say begging—to be let out of the program. Why? Well, it was not just the excessive paperwork and the excessive phone calls to get the medication; Randy saw how absolutely wasteful this Government program had become.

When Dr. Johnston purchased Medicaid vials himself from a local pharmacy, the local pharmacy would divide it into multiple doses that could be used for different patients. Using the new Medicare program, Dr. Johnston had to order an entire vial for each patient, use the one dose the patient needed, and then throw the rest away.

Why would Medicare force seniors and taxpayers to foot the bill for an entire vial of medication containing 400 doses when the patient only needed 1 dose? At a time when Americans are facing such painful financial times, this wasteful Government spending is appalling. We are talking about life-saving medicine, expensive medicine. I do not know anyone who buys a loaf of bread, takes out one piece and eats it, and throws away the rest of the loaf. This makes no sense to anyone.

It is well past the time that Washington bureaucrats start treating taxpayer dollars like the money in their own personal checkbooks. When emergencies, illnesses, or major household repairs occur in our families, we find a way to pay the bill. We look at our budgets, we tighten our belts, and we find alternative places to save. We eliminate luxury items. We stop wasteful spending.

Dr. Johnston was absolutely right to try to get out of this absolutely wrong, wasteful program. Washington bureaucrats who have never been on the front lines treating Medicare patients developed this program. They do not understand the practical applications. So I was not surprised when Medicare announced in September of this year they were putting the entire program on hold starting in January 2009. Washington bureaucrats claim they are considering alternative ways—alternative ways—to improve the program because they want it to succeed.

The new administration has a tremendous opportunity to learn from Randy Johnston and from the 4,200 other participating doctors. Rather than hamstring providers, perhaps Washington should start to focus its ef-

forts on eliminating waste, eliminating fraud, and eliminating abuse in the Medicare system.

This year alone, we have seen one news report after another uncovering Medicare wasting money. These news reports sound the alarm to every hard-working taxpayer in the sound of my voice and all hard-working taxpayers across America.

Who is holding these bureaucrats accountable? Just this week, the Department of Health and Human Services issued the Agency Financial Report. This document shows that in fiscal year 2008, these Government check writers made \$10.4 billion—\$10.4 billion—in improper Medicare fee-for-service payments. We can do better. We can do much better than this.

Wasteful spending strips Medicare of the vital resources that are needed to care for our elderly, to care for our frail, to care for the vulnerable. The new administration has a real opportunity to show leadership. Working together, we can fix this flawed policy. Medicare patients, doctors who take care of Medicare patients, and the American taxpayers deserve nothing less.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 4 p.m.

Thereupon, the Senate, at 2:28 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mrs. McCASKILL).

The PRESIDING OFFICER. The Senate will come to order.

Mr. BARRASSO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

ECONOMIC STIMULUS

Mr. BYRD. Madam President, in September, the Senate considered a \$56 billion economic recovery bill, authored by Senator REID and myself. While the bill received 52 votes, the minority succeeded in blocking its consideration.

In the following 2 months, the economy has continued to deteriorate. On

Monday, Senator REID and I renewed our effort to stimulate the economy and help the millions of Americans hurt by the recession by introducing a \$100 billion economic recovery bill.

In response to higher unemployment, rising food costs, higher energy costs, State budgets in crisis, and increased dependence on foreign oil, President-elect Obama has called for passage of a second stimulus bill. I spoke with the President-elect yesterday, and I committed myself to helping the President implement his agenda.

Madam President, it is time to deliver to Main Street USA. S. 3689 is a \$100.3 billion economic stimulus package that would create over 635,000 jobs. I will repeat that. S. 3689 is a \$100.3 billion economic stimulus package that would create over 635,000 jobs. The unemployment rate now stands at 6.5 percent, the highest rate since March 1994. The unemployment rate is up by 1.7 percentage points since October 2007. The U.S. economy has lost jobs every month this year—a total of 1.2 million jobs, with almost half of the job losses coming in the last 3 months alone. New unemployment claims filed exceeded 500,000, the highest number since just after 9/11.

In order to respond to these grim statistics—and they are grim—the stimulus package extends unemployment benefits by 7 weeks in all States, as well as another 13 weeks in high-unemployment States. Thirty-seven States are facing a shortfall of over \$70 billion in their fiscal year 2009 budget, necessitating cutbacks in education, cutbacks in health care, and cutbacks in law enforcement.

The stimulus package includes \$37.8 billion—that is \$37.80 for every minute since Jesus Christ was born—to reduce the State's share of Medicaid costs by increasing the Federal share—increasing, I say—the Federal share by 8 percent.

The economic recovery package also—I emphasize the word “also”—includes a temporary increase in food stamp benefits. These funds—hear me now—these funds will be spent quickly, and they will help to stimulate the economy.

Over \$37 billion is included for essential infrastructure and investment programs. Now hear me, listen closely. I measure each word. There are consequences for failing to invest in America. For 8 years—8 long years—we have failed to make adequate investments in highways, transit systems, housing, in clean and safe drinking water systems, and in energy independence. This bill funds such investments, as well as small business loans, assistance for rural communities, and disaster relief for farmers hurt by the hurricanes and the floods this summer.

I understand, I am sorry to say, there is going to be an objection to debating this bill. This would be a mistake. I will say that again. I understand there will be an objection to debating this bill. This would be a mistake—a mistake. Why? Because it is time to act.

Delaying is not acceptable. And so I ask all Senators, every Senator, to do the right thing for this country—your country, our country—and support this measure.

Madam President, I ask unanimous consent to have printed in the RECORD information related to rule XLIV of the Standing Rules of the Senate for title I of S. 3689.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONALLY DIRECTED SPENDING ITEMS

Account	Project	Funding	Member
SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES			
Department of Agriculture: Farm Service Agency.	Agricultural crop disaster assistance		Senators Landrieu, Hutchison, and Vitter.
SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT			
Department of Energy	Extend a certain cooperative agreement to carry out the FutureGen program		Senators Durbin and Bond
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT			
GSA	District of Columbia, DHS Consolidation and development of St. Elizabeths campus	\$346,639,000	The President, Senators Lieberman and Collins

Mr. BYRD. I yield the floor. I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.
Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATORS

ELIZABETH DOLE

Mr. MCCONNELL. Madam President, it is my sad task today to say farewell to our friend, the Senator from North Carolina, ELIZABETH DOLE. It is hard to know where to begin with a woman who has done it all and is admired across America.
There is an old saying that all politics is local. That is true even for the Senator from North Carolina, who was the first viable female candidate for President, held two different Cabinet positions, and worked for four Presidents. You see, ELIZABETH's first campaign was for the presidency of her third grade Bird Club. She won that race.
ELIZABETH began impressing many early on as she earned her bachelor's degree from Duke University and both a master's and a law degree from Harvard. Of the 550 members of her Harvard Law class, only 29 were women.
From there, ELIZABETH went to the White House Office of Consumer Affairs, and then the Federal Trade Commission. In 1972, she met a Senator from Kansas when she lobbied him on a consumer-affairs issue.
In 1975, ELIZABETH and Bob Dole were married in Washington Cathedral, creating one of the most prominent and successful partnerships in American public life.
ELIZABETH later headed President Reagan's Public Liaison Office, and then in 1983 became his Secretary of Transportation. She served for 4½ years, longer than any previous transportation secretary at that time. And as transportation secretary, she was fond of pointing out that she was the first woman to ever head a branch of the Armed Services: the Coast Guard.
When her husband Bob introduced ELIZABETH at her confirmation hearings, he displayed some of his trade-

mark wit by remarking, "I only regret that I have but one wife to give for my country's infrastructure."
When ELIZABETH had her turn at the microphone, she got him right back. She assured the committee that she knew all about airbags, because she had been driving around with one for years.
In 1989, ELIZABETH became one of the few Americans honored to lead more than one Federal department by becoming the first President Bush's Secretary of Labor. Among the highlights of her tenure there was playing a key role in resolving a bitter 11-month coal strike in southwest Virginia.
I would even go so far as to say that ELIZABETH was the second-best Secretary of Labor this country's ever had.
ELIZABETH went on to become the president of the Red Cross, and revitalized that important institution. And of course, she became a familiar face to all Americans in 1996 when Bob became the Republican nominee for President of the United States, and when ELIZABETH blazed yet another trail in 2000 as the first viable female candidate for that same office.
During her time here in the Senate, ELIZABETH used the same desk her husband used. From behind that desk, she has been a powerful advocate for her State and her country.
North Carolinians can be proud of her record to strengthen our military and to support military personnel and veterans. She worked to craft a farm bill to benefit North Carolina agriculture. She has done much to address hunger in America, by championing tax incentives to encourage volunteerism and charitable giving, and through grant programs to benefit food banks and relief organizations.
The "Dole" in the McGovern-Dole International Food for Education and Child Nutrition Program may be for her husband, Bob, as the program is named after him and former Senator George McGovern. But it was ELIZABETH DOLE who secured more than \$400 million for the McGovern-Dole program to go toward school-feeding and child-nutrition programs in the world's poorest countries.
Let me take this moment to say, on behalf of my wife Elaine and myself, that ELIZABETH and Bob have been dear friends of ours for many years. In fact,

had it not been for ELIZABETH, Elaine probably never would have come to Washington in the first place, therefore I obviously never would have met her, so I feel a special obligation to—and thanks to—Senator DOLE for that. We value their friendship, and I know we will continue to do so for many years to come.
ELIZABETH, I want to thank you for always bringing wisdom, grace and integrity to this chamber. Over decades of accomplishments in many prominent posts, you have served the people of America and of North Carolina extremely well.
I know your constituents are proud, and Bob is proud, of your service. Elaine and I wish you both well in whatever the future has in store for you. And we look forward to hearing all about it.
The PRESIDING OFFICER. The Senator from North Carolina is recognized.
Mrs. DOLE. Madam President, I wish to express my deepest thanks for the very kind words of the distinguished "gentleman" from Kentucky. I feel very close to this gentleman because we have been very good friends for so many years. Certainly your wife, Elaine Chao, who is doing a tremendous job as Secretary of Labor, has been a friend for many years. In fact, we worked together at the Department of Transportation as colleagues and then also when she was president of United Way and I was president of the American Red Cross. So our paths have continued to cross in terms of our professions but also in terms of personal relationships and the warmth and friendship.
MITCH, I can't tell you how proud I am of your leadership as the Republican leader, and I am so proud you have been reelected by your colleagues. You do a tremendous job. You are a master of the Senate. Through the years, you and I have had a chance to work together on many issues. Of course, it was my privilege early on—I believe in my first year in the Senate—to visit the University of Louisville and the McConnell Center for Political Leadership and to speak to the McConnell Scholars. That is just one of many things you are doing to help others outside the Senate as well as the tremendous work within the Senate.
Just know I treasure your friendship. I look forward to being in close touch

and hope there will be many other initiatives on which we can work together, Elaine and Bob and I, in the years to come. Thank you so much for those most kind words wishing me well. I wish you all the very best.

Mr. MCCONNELL. Madam President, you just witnessed the classic ELIZABETH DOLE. I came out here to do a tribute to her, and she turned around and did a tribute to me. This is, I would say, indicative of the way Senator DOLE has conducted herself in public life throughout her service. We are going to miss her in the Senate, but I know she will continue to make important contributions to our country.

We revere your legacy and look forward to continuing our friendship in the coming years.

Mrs. DOLE. Thank you so much.

GORDON SMITH

Mr. MCCONNELL. Madam President, I rise with sadness to say goodbye to our friend the Senator from Oregon, GORDON SMITH. For 12 years, he has made the people of Oregon proud by serving as a model legislator: thoughtful, independent, and focused on getting results for our country and his State.

GORDON heard the call to serve others early in life, becoming an Eagle Scout as a boy and taking a 2-year mission to New Zealand for his church. He earned his bachelor's degree at Brigham Young University and his law degree at Southwestern University.

He then bought back the family business, a frozen vegetable company, and transformed it into one of the largest and most profitable in the country. With GORDON's departure, we are losing the Senate's only member of the Frozen Food Hall of Fame.

GORDON's desire to serve led him to run for the Oregon State Senate in 1992. His peers recognized the star in their midst when they elevated him first to minority leader, then to Senate president during his first term in office.

GORDON then entered a special election to fill a vacant U.S. Senate seat. Election day fell in January 1996, and GORDON lost that race—the winner was our colleague, his fellow Senator from Oregon.

But then GORDON did something no one else has ever done, and proved to the people of the Beaver State how much he cared about making sure every Oregonian's voice was heard in Washington.

He ran for the Senate again in the regularly scheduled election later that year, making him the only American in history to run for two Senate seats in the same year. The people of Oregon gave him their trust and GORDON has never let them down.

Oregonians can rightfully be proud of his conservation record, as he championed legislation to successfully secure the protection of 170,000 acres of wilderness on Steen Mountain and the Bull Run watershed.

While protecting our natural resources, he also understands the importance of the many working Oregonians who depend on his State's natural resources for their livelihood. The foremost example of his work in that regard is his tireless effort to protect the farmers of the Klamath Basin area, and keep their agricultural lands in production.

He has fought to lower the number of uninsured and drive healthcare costs down, and has been a tireless advocate for the disabled and mentally ill.

He has sponsored legislation to strengthen the prosecution of child-exploitation cases, fought for new protections against Internet predators, and led the effort to increase funding for programs that help victims of rape, sexual assault and domestic violence.

GORDON has also been a leading voice on issues of education, and has fought to secure rural schools throughout Oregon. And he has fought for lower taxes, so more Oregonians can keep more of what they earn.

But there is one issue in particular where GORDON led the way in a very personal manner for a cause close to his heart. In 2003, GORDON's son, Garrett, committed suicide just one day before his 22nd birthday.

The torment a parent must feel after losing a child must be the worst horror imaginable. No amount of sympathy, no words, nothing any of us could do could possibly ease the pain in GORDON's and his family's hearts.

Yet even in his grief, GORDON showed us the strength of his character when he wrote about his loss in his moving memoir, "Remembering Garrett." And he channeled his sadness into successful legislation, the Garrett Lee Smith Memorial Act, to create screening programs to identify and help youths at risk for suicide.

I'll never forget his powerful words on behalf of that legislation in this very chamber. He said:

[There's] no owner's manual to help you bury a child, especially when the cause is suicide. So I've committed myself to trying to find meaning in Garrett's life.

GORDON, with that brave act you prevented the tragedy of suicide from befalling countless other families. I can think of no more profound example of strength and leadership than that.

Every Senator knows what a pleasure it is to work with GORDON. He believes we were sent here to find solutions, not confrontations. And for every day he has served in public office, finding solutions has been his goal.

GORDON, it has been a privilege to work with you these many years, and to spend time with you and your wife Sharon. America is a stronger Nation thanks to your dedication and spirit of public service. Please don't forget you have many friends here, and we all wish you well in your bright future.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Oregon is recognized.

Mr. SMITH. Madam President, I thank my leader, MITCH MCCONNELL.

Winston Churchill observed that "Democracy is not always a polite employer." That is the case in my reelection effort. Yet I feel nothing but gratitude to the people of my State.

I acknowledge the wisdom of the people of Kentucky in your reelection and of the wisdom of my colleagues for electing you again as our leader. You are an articulate advocate for causes that I think are important for America not to forget in the coming days. It is one of the high privileges of my life that I have been able to serve with you as a friend and as a colleague.

I thank you and I thank my Senate family, without respect to party, for the help that was given to Sharon and me at the most painful time of our lives—to find additional meaning in the life of our son by helping the sons and daughters of others. I hope and pray that my Senate colleagues, while I am gone, will not forget those who struggle with mental illness. I am so proud of Senator DOMENICI, Senator KENNEDY, and others who championed mental health parity. It has been a privilege to be on their team in this cause. It is a silent cause. It is one that does not get a lot of ink or much attention because America is still opening its mind to this important area of medicine. But we have blazed a new trail, and much of it was because of your leadership, sir.

For the privilege of serving with you, of serving my State, of serving with these colleagues here, I thank God and I thank the State of Oregon and I say God bless America.

Mr. MCCONNELL. Madam President, may I just add a word to my friend from Oregon. He has had an extraordinarily successful tenure here. In my view, I would say to my friend from Oregon, you can always look back on these 12 years with a sense of accomplishment. You have been a major player in this institution on a variety of different, extremely important matters that will affect each generation to come. So on behalf of all of our Republican colleagues, and I am sure on behalf of everyone in the Senate, I thank you for your extraordinary service.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, before the Senator leaves the floor—I am sorry I had to leave, I was called away from my desk—I wanted to say through the Chair to my friend GORDON SMITH that I, of course, watched all the election results very closely. But my wife watched one election result, and that was yours, because of the longstanding relationship she has with you and Sharon. The record is very clear of our longstanding friendship and our having had a similar experience with our loved ones following suicide.

I am sorry I didn't have more time to maybe write something out that may have been more meaningful, but I hope the Senator from Oregon will always understand the affection, respect, and admiration I have not only for what

you did in your Senate service but for what you do in your personal life.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Let me say as well, I don't have a prepared statement to make, either, but I want to tell my friend from Oregon how much I have enjoyed my work with him over the years on a number of very important issues dealing with the issue that the Senator can speak of not only with eloquence but with a great deal of passion, and that is the issue of mental illness. We were able to pass, in the waning days of our session, of course, the mental health parity bill. How important that was. PETE DOMENICI, TED KENNEDY, Paul Wellstone, and others worked on it, but GORDON SMITH was invaluable in that discussion.

I enjoyed immensely my work with him during his two terms in the Senate. I will say to my friend, the good Lord is not through with you yet. There are a lot of things you can do for our country. You have done a lot already. So I hope you come back often and see us and know you have friends who care about you and cherish you very much. Although there is an aisle here that separates us politically, the aisle doesn't exist when it comes to respect and admiration. In those terms, I am your seatmate in terms of my respect for you. I thank you for all you have done.

JOHN SUNUNU

Mr. MCCONNELL. I also rise today to say farewell to the Senator from New Hampshire, JOHN SUNUNU. Although JOHN is the youngest Senator, he is one of our brightest. A reporter once wrote that one of JOHN's fellow Senators said that if we were ever to lose JOHN, the rest of us would have to argue over who would be the smartest person in the Senate. But as long as we had JOHN around, there was no argument.

JOHN impressed people at a young age, earning both a bachelor's and master's degree in mechanical engineering from MIT and an MBA from Harvard. He received real-world experience working as an engineer in jobs I dare say few of our colleagues could try to explain, myself included.

Then one day a seat from New Hampshire in the House of Representatives opened up, and JOHN took a good long look at it. JOHN has never been the kind of man who felt he deserved a job on the public payroll. He did not crave the power and respect that came with holding office. Yet we are certainly thankful his great State has sent him here.

Now, 12 years later, I think we can say with confidence that New Hampshire could not have had a more dedicated and principled public servant.

After 6 years of service in the House, New Hampshire sent JOHN to this Chamber in 2002. To reach the Senate, he had to face an incumbent Senator in the primary and then a sitting Governor in the general. Since then, JOHN

has compiled a record of which every citizen of the Granite State can be proud.

A student of the free market, JOHN strongly believes lower taxes promote growth and expand opportunities. That is why he fought so hard to extend the ban on taxes to access the Internet. That tax ban was signed into law, and it protects consumers from taxes on Internet access, e-mail, and instant messaging for 7 years.

Just think, if online communications and commerce grow as rapidly over the next 7 years as they have over the past 7, JOHN's tax ban will not only have promoted economic growth, it will have spared countless small businesses and families from a tremendous burden. For that, he deserves all of our thanks.

JOHN's voice was one of the loudest to say that we must tackle tough issues now, such as entitlements and the future of Social Security. He stood up time and again, calling on Congress to reduce Government spending, expand telecommunications service to rural areas, and clean up air pollution.

He also learned firsthand the principle that has made America great, our commitment to personal freedom. It is what this country was founded on. JOHN understands what makes America work is not what we do in this Chamber but what millions of Americans do every day for their families and communities.

JOHN is a kind and compassionate man who is a joy to know. I remember well when the senior Senator from Pennsylvania underwent chemotherapy in 2005 as part of his treatment for Hodgkin's disease.

Like many chemotherapy recipients, the Senator from Pennsylvania's hair fell out. In a generous act of solidarity with his colleague, JOHN shaved his head. That certainly took more commitment than sending a get-well card. But that is JOHN SUNUNU.

JOHN, I am going to miss you. It has been an honor to work by your side over these past 6 years. It has been a joy to know you, your lovely wife Kitty, and your family.

I want them and you to know that we in the Senate admire the depth of your convictions and the strength of your heart. I am sure that whatever the future holds for you, you will be a huge success.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Madam President, I ask unanimous consent to speak for a few minutes in response to the very kind remarks of the Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. First, it is probably appropriate for me to note that the haircut that I now sport is an echo of that summer a couple of years ago when I cut my hair, or cut all of my hair, in tribute to the sacrifice and the celebration of the final chemotherapy treatment of Senator SPECTER.

He underwent another round of chemo this past summer. In the middle of the campaign, I did not think it was appropriate to shave my head. So the day after the election, 2 weeks ago, I thought there was some pent-up demand in my own heart to remember those tough weeks for ARLEN SPECTER. So I was happy to go out and shave my head again. That is why it looks a little bit different than it might have during the campaign.

The Republican leader has been very kind in his remarks. And I cannot help but note that I am a little bit too young to have anyone paying tribute to my career, as it were, in public service. I believe very strongly that you go out, you find work that you love, a job that teaches you great things, and if you have some opportunity to serve your community, your State, your country in public service, then you think seriously about that opportunity.

That is how I came to the House and even my work in the Senate. I am going to have the opportunity to go back and do things that I find challenging being an engineer, coming out of a small business community. I know there are a lot of great challenges and opportunities that await. But I also know there may come another time when there is an opportunity to serve, and I will always take those opportunities very seriously.

On election night, whether you win or lose, you always thank the people who matter most to you. You thank your family, you thank the people of the State of New Hampshire who have been good enough to give you the privilege to serve, but you also thank the people who made your work possible in the Senate, your colleagues. I cannot think of any colleague who has been more supportive and more helpful to me over the 6 years I have been in the Senate than Senator MITCH MCCONNELL of Kentucky.

The Senator mentioned my work on the Internet tax ban, but the Senator from Kentucky did not mention his own work. This was a case where it helped to have someone with Senator MCCONNELL's leadership and experience because while I waited patiently in the midst of a reauthorization of the Amtrak bill, once we had the opportunity to offer amendments, I happened to be prepared with an amendment that would ban taxes on Internet access. And the leader from Kentucky just happened to be prepared with a motion to close debate on that amendment so we could finally get a vote.

While that procedure may sound very arcane to people who may be listening to the Senate debate at home, it was absolutely essential in bringing that issue to a successful completion. So only by working closely with the Senator from Kentucky were we able to get that work done on the Internet tax ban. And it is perhaps the work that I am most proud of. I think it is the work I have been able to do in the Senate that will probably have the most

lasting economic impact. It is important to leave behind a record that you are proud of, but it is also maybe even more important to leave behind many fond memories of that work, fond memories of colleagues with whom you were able to spend time and, of course, fond memories of the friendships you were able to form, both with members of your own party and with those on the other side of the aisle.

Perhaps what I am most proud of overall is that the pieces of legislation I was able to sponsor and pass, whether it was the Internet tax ban, civil liberties protection that we added under the PATRIOT Act, the Wilderness Act that protects 25,000 acres of the White Mountain National Forest, were all bipartisan pieces of legislation. That means a lot to me.

I think it will serve me well in any future endeavors I undertake in public service. I thank Senator MCCONNELL, the Republican leader.

Mr. MCCONNELL. Madam President, let me just say to my friend from New Hampshire, it has been a real privilege to serve with somebody of your intellect and ability. I know you are going to be a huge success. You have, as we discussed, a lot of your life left. I know you are going to be a huge success in the coming years, and I am looking forward to seeing more of you in the future.

The PRESIDING OFFICER. The Senator from Maryland.

UNANIMOUS-CONSENT REQUEST— S. 3684

Ms. MIKULSKI. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of a bill I have at the desk which is the text of title VII of S. 3689 regarding the auto sales tax deduction, and further that the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SUNUNU. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. MIKULSKI. It is my understanding I still have the floor?

The PRESIDING OFFICER. The Senator has the floor.

Ms. MIKULSKI. Boy, am I sorry that is the last act of JOHN SUNUNU in the Senate. I hope it is not the last thing. I feel so badly about people objecting to me bringing this up. Mine is a bipartisan bill that I thought maybe I would win, maybe I would lose, but at least we could bring it up and debate it and discuss it and vote on it.

My bill was a straight-forward bill. My bill was to help save jobs in the automobile industry, from manufacturing, sales to service, to the little people who are the bookkeepers in our communities.

My bill would give a tax deduction to someone who would buy a car in these

6 weeks and they would be able to take a deduction of interest and sales tax. The total cost of my bill was \$8 billion. But the cost of not doing my bill is going to be horrific. It is going to be absolutely horrific. I cannot get over how these economic conservatives have their ostrich heads in the quicksand of our economy.

You know what is going to happen when our automobile industry goes down. Well, let them go. Well, I will tell you, we are going to lose \$156 billion over the next 3 years in lost taxes, unemployment, and health care assistance.

We are facing the possibility that 3 million people could lose their jobs. But oh, no, we object. We object to debate. We object to discussion. We object to taking our ideas and putting them into the sunshine and being able to do what I thought you do in a democracy, vote ideas up or down.

If I lose my bill in a vote, that is the way democracy works. But to move it through a parliamentary maneuver of something called, "I object," I object to the objection. I have no idea why anyone would object to bringing up an idea that has bipartisan support to see if we could stimulate demand in the automobile industry.

Well, I tell you what. Senator BARB MIKULSKI is not the only one who objects. The American people object. And that is what they did when they walked into that voting booth on November 4 and voted for change. They said: Yes, we can. They were objecting to what goes on in this institution and what has been going on in the White House for the last 8 years.

They said: I object. And they voted. They objected and then they voted. And they object by their vote. There is a reason a political tsunami hit this institution. It is because of this continual way of throwing sand in the gears of democracy. So they said: I object. That is what the people said.

So we can go through these parliamentary shenanigans. We can delay what we could do in the next 48 hours to get our economy going. But, oh, no.

We are going to do it. The question is, are we going to do it today or are we going to do it 8 weeks from today? The longer we wait, the deeper and more prolonged the recession will be. Right now we could begin to not only turn the page but begin to turn the economy around.

So those are the rules of the Senate. I signed up for the Senate, so I take the rules as they are. But I will tell you, I stand with the American people. I object. And I object to the objection. I am going to keep fighting this until we leave. It is my view we shouldn't leave until we pass legislation to get this economy going. If we cannot do it this week, come back next week because the real turkeys will not be in our oven. The real turkeys will be close at hand.

I yield the floor.

UNANIMOUS-CONSENT REQUEST— S. 3656

Mr. SCHUMER. Madam President, I inform the Republican leader, I had arranged to do a unanimous-consent request when the Senator from Iowa could be on the floor.

I ask unanimous consent the Finance Committee be discharged from further consideration of S. 3656, the Senate proceed to its immediate consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Madam President, I reserve the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Madam President, throughout the years, the Committee on Finance has worked to safeguard and improve the programs under its jurisdiction, including the Medicare and Medicaid Programs. The Finance Committee has a unique expertise on these programs and is the only committee in a position to assess the possible effects of individual changes on all Social Security programs as a whole. Accordingly, it is essential that any legislative proposals impacting these programs be considered by the full Senate only after the Finance Committee conducts a thorough analysis of the issues involved and the potential solutions.

I would like to bring up one example of how this bill needs scrutiny. There is a provision buried in here that would allow California to escape its responsibilities to ensure that illegal aliens are not getting Medicaid benefits to which they are not entitled. Do the American people support giving Medicaid to illegal aliens? I don't think so. Simply bypassing the committee process with legislation on complex issues runs contrary to how this body should function. In fact, as my friend from New York is aware, Congress already had extensive debate and enacted a Medicare bill already earlier this year. That bill was authored by the chairman of the Finance Committee. So the Senate and the full Congress have already had extensive Medicare debate this year. The Senator from New York, as a member of the Finance Committee, had ample opportunity to raise the issues earlier this year that he now raises in a bill he wants to bring up right now. So regardless of the merits of the Senator's proposal, I believe that ship has set sail.

I have a more extensive statement on the provisions themselves. Some of them, I want the Senator from New York to understand, I actually support, and I oppose some, obviously. Perhaps we can work together on some of these issues where we agree, if the Senator is interested. Today, however, I am forced to object to the Senator's consent request.

Notwithstanding the significant jurisdictional and process issues I just

raised, I would also like to note that there are several provisions in the bill I strongly support. However, there are several provisions in this bill that I oppose at this time and do not believe the Finance Committee has given proper consideration through hearings and investigations.

One of the provisions in S. 3656 that I support would delay implementing provisions of a proposed CMS rule that would change conditions of participation for rural health clinics and decertify rural health clinics that are no longer in nonurbanized areas. It would also delay proposed changes to the existing payment methodology for rural health clinics and federally qualified health centers. While I am very concerned about the proposed CMS rule and its impact on rural health centers, RHCs, unfortunately I cannot support this legislation which is within the jurisdiction of the Finance Committee but which has not been given any consideration by the committee.

The CMS proposed rule would impose new location requirements for RHCs and require that clinics be located in a nonurbanized area, as defined by the U.S. Census Bureau, as well as meet shortage area designation requirements. Only new RHCs applying for the program are currently required to meet these criteria but the CMS proposal would extend these requirements to already certified RHCs. According to CMS, about 500 of the approximately 3,700 RHCs operating today may not meet these requirements.

Iowa is currently in the throes of a growing shortage of physicians, especially in the more rural areas of the State, due to inequitable geographic adjustments in physician payment that result in Iowa physicians receiving some of the lowest Medicare reimbursement in the country even though they provide some of the highest quality care. These geographic payment disparities, which discriminate against rural areas, have further exacerbated the problems of rural access to care.

The CMS proposed rule could have a severe adverse impact on a number of rural health clinics in Iowa, including many located in counties that have been declared disaster areas from the severe flooding Iowa suffered earlier this year. Rural clinics in Iowa also could be severely impacted by the CMS proposed payment changes since RHC costs in Iowa and other States are already higher than the existing Medicare reimbursement cap. If the CMS rule is finalized as proposed, rural health clinics in Iowa and elsewhere may be forced to close their doors, even though they have served rural populations very well for many years, leaving Iowa with fewer physicians and some patients with little access to primary care and other critical medical services.

This bill would prevent the application of a CMS policy to phase-out a payment adjustment for indirect medical education, IME, under the Medi-

care capital Inpatient Prospective Payment System, IPPS. Currently, teaching hospitals receive this upward payment adjustment under the capital IPPS. CMS announced in the fiscal year 2008, Medicare Hospital IPPS Final Rule that they would begin to phase out the IME adjustment for capital IPPS in fiscal year 2009.

As the former chair and currently the ranking member of the Senate Finance Committee, it has long been one of my priorities to ensure Medicare payments are both accurate and equitable. I question whether this bill would further this goal, which many of us share.

The appropriateness of the IME capital IPPS adjustment has been analyzed not only by CMS, but also the Medicare Payment Advisory Commission, MedPAC, which advises Congress on Medicare payment issues. CMS has documented relatively high and continued positive margins for teaching hospitals under the capital IPPS compared to nonteaching hospitals. In fact, from 1998 through 2006, teaching hospitals had an aggregate capital IPPS margin of 11.2 percent while nonteaching hospitals had an aggregate capital IPPS margin of -0.8 percent.

Based on these figures, many, including myself, question the appropriateness of this payment adjustment. This is a case in point of why legislative proposals such as this must first go through the committee process.

S. 3656 puts a moratorium on a CMS rule regarding Medicaid payments for hospital outpatient services. Early this year, Congress placed moratoriums on six other CMS Medicaid regulations. Just as I opposed those moratoriums, I strongly oppose this one as well. The Finance Committee has not held the first hearing as to why this action is necessary. We have not considered whether payments currently being made are not consistent with the statute. Medicaid is a critical program for children, pregnant women, the disabled, and the elderly. We have a responsibility to the people who depend on the program to make sure that funds are being appropriately spent. This moratorium is not consistent with that responsibility.

This bill also intervenes in a dispute by CMS and the State of California. The State of California has been seeking approval of an extension of their family planning waiver for 6 years. For 6 years, CMS has been pushing California to improve their collection of Social Security numbers and citizenship documentation for women enrolled in the program. This bill essentially requires CMS to approve of the extension of California's waiver without requiring California to do anything further to improve their process of ensuring people who receive benefits are actually eligible for those benefits.

I would also like to point out that a comprehensive Medicare bill written by the Chairman of the Finance Committee was passed by the Senate this

summer. One can presume that the proposals in this bill were considered and rejected for inclusion in that Medicare bill.

I understand that legislation is often the art of compromise. We can't always get everything we want in every bill and keep everything we dislike out. It is a balance. However, I think both in terms of process and policy, this bill does not sufficiently achieve a balance I think is necessary and I must, therefore, object to its consideration.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Madam President, I introduced this bill in October in response to overwhelming concerns New York health care providers have about three devastating health regulations that the Bush administration is pushing.

My bill would put a 6-month delay on the Medicare Hospital Capital IME payment policy to teaching hospitals, a 6-month delay on the now-final Medicaid Outpatient Clinic regulation, and a 6-month delay on the Medicare Hospice rule—three regulations that affect the heart and soul of our health care system—the facilities and health providers that take care of all Americans, rich or poor, rural or urban.

Given the urgent challenges we face in our economic health, now is not the time to be cutting hospitals or clinics that serve our physical health. We should be making health care more effective and efficient—not slashing reimbursement and running these providers out of business.

The new Medicare Hospital Capital Indirect Medical Education, IME, payment policy is a disaster for teaching hospitals. It went into effect on October 1 and will be fully implemented in 2010.

This new policy runs counter to what works in American medicine. The Medicare program has long served the public good by funding the training of new doctors in our academic medical centers and teaching hospitals, using IME payments.

Across the Nation in large and small communities there is a shortage of physicians—from primary care to surgeons. We rely on our Nation's academic medical centers, 13 of which are in my State, and teaching hospitals to train new physicians.

The new policy eliminates critical funding that supports teaching.

The total cost of this new policy to New York's teaching hospitals would be \$62 million when it is fully implemented in 2010. The total for all U.S. hospitals is \$380 million.

Let me illustrate what these cuts mean to New York hospitals: Albany Medical Center Hospital, \$1.2 million; Kaleida Health in Buffalo, \$1.3 million; Montefiore Medical Center, \$3.7 million; Strong Memorial Hospital, \$1.6 million; Stony Brook University Hospital, \$1.6 million; Bassett Hospital in Cooperstown, \$426,000; and Coney Island Hospital, \$565,722.

These facilities are the same ones in my State who provide the lion's share of uncompensated care to the uninsured.

One of the hardest hit hospitals in my State is Mt. Sinai Medical Center in Manhattan. They stand to lose \$4.1 million by 2010.

This lost funding means Mt. Sinai Medical Center will be forced to take cost cutting steps:

First, delay completion of their inpatient electronic medical record rollout; second, they won't be able to expand their already crowded emergency room that provides over 100,000 patient visits a year; and third, they will scale back many free medical screenings and other programs for patients.

These are not the actions we want hospitals to take.

Hospitals need our help. The Medicare Payment Advisory Commission, MedPAC—which is a nonpartisan group—has said that in 2006, hospitals' Medicare margins nationwide were in the red at negative 4.8 percent.

In New York in 2006, rural hospitals were hit the hardest by low Medicare reimbursements with even lower margins of negative 8.2 percent.

After 7 consecutive years of overall negative margins, the hospitals in my State did little better than break even in 2006. It doesn't make sense to me that we would gut a source of training for high-paying jobs in this country at a time when we are bleeding jobs.

This is not just a New York issue. In July, 51 Senators signed a bipartisan letter to the Centers for Medicare and Medicaid Services, CMS, that opposed implementation of the capital IME. We need to pass my bill so that these cuts don't hurt all U.S. hospitals.

Now I want to speak briefly about the Medicaid Outpatient Clinic Regulation that my bill places a 6-month moratorium on.

For months I fought with CMS about this regulation. Unfortunately, they finalized it last week.

But, I am pleased that in the final version free-standing health clinics were saved from massive cuts. There were many clinics in New York that were saved from either closing their doors or saying no to their patients.

I want to talk about Ed, a 62-year-old Buffalo resident, who can only move his head due to his cerebral palsy. With the help of a free-standing clinic in Buffalo, called Aspire, Ed learned to operate his power wheelchair with his chin.

Even more amazing he can operate a computer using his chin. Ed spent 5 years mastering desktop publishing and then formed his own successful business.

If free-standing clinics were included in the final regulation, Ed could not attend Aspire of WNY's wheelchair clinic, where physical, occupational and speech therapists customize all sorts of things for him. Without that service, Aspire tells me that he would be completely immobile and not as independent.

Let me discuss another New Yorker that the Buffalo-based Aspire Clinic helped. In 1998, Aspire wanted a woman named Alice to have a colonoscopy. When she did, it was revealed that she had colon cancer. But luckily they found it in time and she had surgery to remove the cancer and now, 10 years later, she is doing fine.

Alice is just one of hundreds of individuals who receive primary medical care through these essential primary care clinics.

Enable, a Syracuse agency that serves children and adults with disabilities, told my office that they would have to stop providing physical and occupational therapy to more than 300 clients on Medicaid if the Rule had included freestanding clinics.

I wish CMS hadn't made this regulation final, but at least it isn't as bad as it could be. We will know the extent of pain that other clinics and hospital outpatient services may face on December 8, when the rule must be implemented.

Therefore, I hope that the Senate will pass the PATH Act. As we have heard, there are just too many terrible cuts underway in health care, and we need to be doing all we can right now to stop the bleeding.

I understand my colleague has objected. That is unfortunate. To wait another 3 months or 6 months at a time when our economy is in such dire shape will do severe damage to health care throughout the country. In my State of New York, for instance, the new Medicare Hospital Capital Indirect Medical Education payment policy is a disaster for teaching hospitals. It runs counter to what works in American medicine. It affects large and small communities. We have a desperate shortage of physicians, from primary care to surgeons. The country relies on academic medical centers. This clobbers them at a time when it should not have happened. Many of us believe this regulation was not within the purview of CMS to enact. They went ahead and did it. I would hope that maybe my colleague will reconsider. We will return to this issue when we come back in January, but some damage, unfortunately, will be done.

I understand why my colleague has objected. I regret it. There was no time to move in the Finance Committee because this regulation didn't take effect until very recently, having many bad affects. I will work hard and not rest until we overturn the regulation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— S. 3689

Mr. REID. Madam President, with the daunting challenges we face on our road to economic recovery—and that will come; it is a question of when—there is no reason to wait for a new year, a new Congress and a new President. We could vote now. We could take action now. We can't solve our economic challenges with one vote, but we could get started. So I say, why wait. Every day that goes by, thousands of Americans lose their jobs. Thousands of homes are lost. Scores of companies file for bankruptcy. So why don't we staunch the bleeding, stop some of the pain, and begin to turn things around? We have before the Senate a comprehensive economic stimulus plan worked out with the Appropriations Committee, the Finance Committee, and the Agriculture Committee, that we could pass and we should pass. I wish to express my appreciation to the members of the Appropriations, Finance, and Agriculture Committees. They have worked very hard to put this package together under the leadership of Senators BYRD, BAUCUS, and HARKIN.

What do I mean by "comprehensive"? Instead of addressing just one part of our economic crisis, this legislation takes many steps that economists agree we need.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1122, S. 3689; that the bill be read a third time, passed, and the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Arizona.

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, we have a matter on which the objection was made. I did not cover it all, of course, in that matter. We have significant things in that piece of legislation that were objected to dealing with infrastructure; unemployment benefits; FMAP, which is the matter to give some fiscal relief to our States; and it would give help to the auto industry. So this is the type of issue on which I wish we could move forward. I understand my colleagues. They are not going to accept this.

I think the provision we have dealing with taking the money out of the financial bailout that we have, that the White House has, the Treasury Department has—I have talked on the floor over the last 2 days about that. There is no need to belabor that point. But it is too bad we could not move forward on that basis.

It is my understanding Senators LEVIN and BOND are going to try to come up with some alternative proposal. When they come up with that, I would be happy to see if there is any way we can move procedurally. That is not going to be easy with what is going

on in the House and, actually, what is going on here. But I will confer with my counterpart, Senator McCONNELL, and we will do what we can to move forward.

UNANIMOUS-CONSENT REQUESTS

Mr. REID. Madam President, I ask unanimous consent that we move forward on this bill, S. 3689—there is a provision in that dealing with what we call FMAP—that the FMAP provision be taken out, that it be considered as separate legislation, be read three times and passed, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The reason that is so very important is that FMAP is something that every State—every State, all 50—is in desperate need of. No part of our country has proven immune from our economic struggles. We are all sharing the heavy burden of these difficult times. But few places are suffering, though, more than we are in Nevada.

Budget shortfalls in Nevada are causing deep cuts in bedrock programs the Government must provide, programs that help and protect children, senior citizens, and people with disabilities.

The State of Nevada has been forced to cap enrollment in Nevada Check-Up, our form of children's health insurance. The State recently had to institute cuts to provider reimbursement. What is worse, these cuts will not end here unless we act to provide fiscal relief by increasing the Federal Medical Assistance Percentage; that is, FMAP.

What are the consequences of inaction? It was reported in the media this weekend that due to the provider rate cut, University Medical Center in Las Vegas, our public hospital, is discontinuing outpatient cancer treatment. And that is not just for Medicaid patients, it is for all patients. It is not clear if all those patients will be able to afford chemotherapy elsewhere, but it is pretty clear they will not be able to.

Low-income children who need orthopedic treatment will have to leave Las Vegas altogether for services elsewhere. They will likely have to leave the State.

There is more to come. The cuts are not over. This is the way it is in many States around the country. The budget shortfalls are deep. When States have to cut provider reimbursement for some of the things I have outlined, they have real difficulties in making the safety net not be one that has big holes in it. States have found no choice but to look at cutting services such as mental health and cutting actual people from the program, adding to the ranks of the insured at the worst possible time.

We have been working in the Senate to provide help. The stimulus bill we introduced includes a temporary 8-percent FMAP increase to stave off these cuts. It will not fix the problem, but it may make a difference in ensuring that

our children are not without the care they need. I hope we can take that step.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, this is a spending measure of \$37.8 billion which has not been considered by the Finance Committee. We should be asking the States to pay it back. We should require the States to agree to not raise taxes. For all of those reasons, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I have one final consent request on which I would like to move forward. This is the matter dealing with automobiles. We know the issue before this body. There have been speeches given the last several days about where the automobile industry is. We have watched on national TV the congressional hearings that have taken place on this side of the Capitol and on the other side of the Capitol. We need to try to figure out some way to move forward.

We believe the best way to move forward is taking the money, as I have indicated, out of the so-called TARP money. I do not believe we need the legislation. I think—well, I don't know. I have talked to Secretary Paulson twice today. He knows he has authority to take money out of that; he just does not want to do it.

So I ask unanimous consent that the Senate proceed to the consideration of a bill I have at the desk, which is the text of title VI of S. 3689 regarding automotive industry assistance; that the bill be read a third time and passed, the motion to reconsider be laid on the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Madam President, reserving the right to object, the longer this legislation has been lying around, the more objections have been heard to it. So, yes, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Madam President, the distinguished majority leader was kind enough to mention the fact that several of us on our side have been working with leading Members on his side of the aisle to come up with a compromise proposal that would come to the aid of the auto companies which are facing a very serious situation, without mentioning specific ones or others, but to say this is a critical time to move to prevent perhaps the bankruptcy or the disappearance of a major auto company, which would cause chaos in our country. Over 3 million jobs are related to the auto industry—from the auto assembly plants, to the auto dealerships, to the parts suppliers.

So we have been working on a bipartisan basis. On my side of the aisle, Senator VOINOVICH and I have been

working with others on the Democratic side. We took the basic construct of the measure the majority leader had introduced. We took the money out of a previously passed bill, which would not cause as much concern down Pennsylvania Avenue, and we provide that the money will go back into that program as it is returned.

In my view, it is essential we work something out. I will tell the majority leader we have made great progress. We are down to the point now where wording challenges are about the only remaining things to deal with. I strongly believe it is in the interest of the country, particularly all of those families whose jobs depend upon the auto industry, and the States, the local governments, and the Federal Government to move something forward.

So I ask unanimous consent that at a time to be determined on Thursday, November 20, the Senate proceed to the immediate consideration of a bill to be introduced by Senators BOND and VOINOVICH and others; I further ask that there be no amendments in order, with 2 hours of debate equally divided, and following the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage, and that if there are not 60 votes in the affirmative, the bill be placed on the Senate calendar.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Madam President, we have had no hearings. We have no text. I know my friend, Senator BOND, is a man of faith. I think I am too. But this is carrying it a little too far. We do not know anything about this. I look forward to a piece of legislation we can look at. Hopefully, it can be done tonight or tomorrow, and we will be happy to look at it.

I have had many conversations today and yesterday with the senior Senator from the State of Kentucky, Mr. McCONNELL, and we understand the importance of this issue. We will try to work to move forward on it. But I want everyone to understand, no matter how hard we work, how hard we try, the House of Representatives is going home tomorrow. OK. They are leaving.

I understand the importance. But I would hope that in addition to understanding the importance, we have to face reality. The reality is, we have tried a number of different approaches.

I will be happy to look at the approach my friend from Missouri has. He is a hard-working Senator. I understand how hard he works. He is a real advocate for doing what he thinks is appropriate for his State and our country.

Senator LEVIN and I have had hours of conversation regarding this issue. Every conversation I have with him he mentions the name of the Senator from Missouri. So I understand what this is all about, but, recognizing we have had no hearings, we have no legislation, I object.

The PRESIDING OFFICER. Objection is heard.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Morning business is closed.

ADVANCING AMERICA'S PRIORITIES ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3297.

Mr. REID. Madam President, I ask permission to withdraw the motion to proceed to S. 3297.

The PRESIDING OFFICER. The motion is withdrawn.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2008—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, I now move to proceed to Calendar No. 1123, H.R. 6867, an act to provide for additional emergency unemployment compensation and, with that, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 1123, H.R. 6867, the Unemployment Compensation Extension Act of 2008.

Harry Reid, Max Baucus, Patrick J. Leahy, Bernard Sanders, Kent Conrad, E. Benjamin Nelson, John D. Rockefeller, IV, Dianne Feinstein, Robert P. Casey, Jr., Patty Murray, Richard Durbin, Sheldon Whitehouse, Barbara A. Mikulski, Barbara Boxer, Carl Levin, Daniel K. Akaka, Mark L. Pryor.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I appreciate the patience of all my colleagues.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I would ask my friend, the majority leader, now, if consent is not granted, this vote would be on Friday?

Mr. REID. That is right.

Mr. MCCONNELL. Madam President, I say to my friend, I will be working on my side to see if it is possible to move that vote forward to tomorrow. Hopefully, he will be doing the same.

Mr. REID. Madam President, I certainly think it would be appropriate if we can do that. I will do everything I can to move this forward.

I again say, Madam President, I appreciate the patience of everyone today. A lot of times we do not spend a lot of time here, but it is hard getting here. I appreciate it very much. And we were interrupted by the President of Bolivia.

I should say—and I am sorry I did not to my friend, Senator MCCONNELL—if we do get cloture, then we could even do that, have a 60-vote threshold on that. And if that were done, we would be out of here as far as I know. So we will work together to see what we can get done. We will work to see what we can get done in the next 12 hours.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTO MANUFACTURING INDUSTRY BAILOUT

Mr. SUNUNU. Mr. President, I rise to speak on the pending discussion and debate in the Senate about subsidies to the auto manufacturers and whether passing a large bailout subsidy package for the auto manufacturers is a good idea. Earlier this afternoon I objected to a unanimous consent request by Senator MIKULSKI and she responded to that objection by noting that she certainly hoped that objecting to a bailout package for auto manufacturers wasn't the last thing I did in the Senate, given that my term is going to be expiring and I am going to be retiring from the Senate. Well, it won't be the last thing I do. If nothing else, the last thing I will do is to explain why her legislation was such a terrible idea to the people of New Hampshire who elected me and to the American people whom I think I have an obligation to serve in making sure that their interests are protected, that their wallets are protected, and that we act with a commitment to fiscal responsibility.

We don't need to be providing subsidies, special benefits or protection to individual businesses, whether they are auto manufacturers or any other business. This is wrong for a large number of reasons. To be sure, no one is happy about the fact that our country is in a recession, that Europe is in a recession, that we have a global slowdown that will affect hundreds of thousands, if not millions, of lives across the United States and across the world. But by providing subsidies to the auto manufacturers, we do several things that are fundamentally wrong—bad for our economy, bad for taxpayers, bad for consumers.

First, quite frankly, we reward bad decisions that have been made by these firms themselves. The problems within the auto industry are largely the mak-

ing of those in the auto industry: management choices, production of models that consumers choose not to buy, legacy costs, contracts, health care, pensions. We all understand that within the economic slowdown there has been a significant drop in the number of cars being manufactured, but these businesses were losing money well before the current downturn. By stepping forward now to provide them with \$25 billion or \$50 billion, depending on which piece of legislation we would be considering and voting on, we, quite frankly, would be taking money from taxpayers across the country and rewarding those poor decisions that have been made by the manufacturers themselves.

Second, this would set a bad precedent. There are many businesses across America that are dealing with tough times, a slowdown in their growth prospects. They have had to deal with layoffs. They have seen a significant slowdown in construction spending or consumer spending. It is affecting every corner of our economy. If we set the precedent of stepping forward with \$25 billion in subsidies for auto manufacturers, every other business and industry in America would be looking for the same kind of treatment from the Federal Government. That is simply not in the taxpayers' interests. It is certainly not fair to the average taxpayer. It is not fair to those taxpayers who work for companies that won't get that kind of special treatment. Any time the Federal Government starts putting a significant amount of resources—\$1 billion, \$10 billion, \$25 billion—into a particular firm or industry we distort the marketplace. So we would be rewarding bad decisions. We would be setting a bad precedent.

Finally, we would be placing taxpayers at even greater risk. We need to be honest about the impact of giving \$25 billion to the auto manufacturers in order to sustain their unprofitable operations. Many observers have suggested that \$25 billion isn't nearly enough, \$50 billion probably isn't enough to stave off bankruptcy. So when these firms ultimately did have to file for bankruptcy or when the losses mounted over the next 6 months or 12 months or 18 months and the firms needed additional capital, where would they turn? Back to the taxpayer. So the expectation would be—and I think the likelihood would be—that the \$25 billion or \$50 billion provided today would simply be a downpayment on even greater losses and greater exposure to the taxpayers in the future.

Now, the proponents of this legislation have said a number of things. First and foremost, they have talked about the number of jobs that would be affected. No one relishes the idea of higher unemployment and job losses that have already begun in this current recession. But there are many businesses and industries across America that employ hundreds of thousands of people, that employ even more than the auto manufacturing segment. The

three largest technology-based firms in the country employ nearly twice as many people as the auto manufacturers. The three largest firms in the financial services industry employ hundreds of thousands more than the auto manufacturers do. These businesses and industries such as the auto manufacturers have their own customers and suppliers and vendors and contractors who would also be affected by the slowdown or by layoffs at those businesses.

We care about the auto manufacturers. We care about manufacturing. We care about every job in our economy, because each job is important to that worker, their family, and their dependents. But we can't be providing unique benefits, unique treatment to one business at the expense of others and at the expense of taxpayers.

A second argument that has been made is that since we passed a financial stabilization package a month ago, we should be willing to keep passing additional subsidy or bailout legislation. I think we need to understand that taking the action we took when the credit markets in the United States and across the world froze was action taken only with the greatest imaginable reluctance, and it was only taken to protect access to credit for a home loan or car loan, a small business loan that our economy needs to function every single day. Moreover, only action of the Federal Government—and the European governments as well—only that action could provide the capital or had the capacity to provide the capital necessary to enable those credit markets to function normally again. And they have begun to function more normally today.

Now, normal functioning of credit markets doesn't guarantee economic growth in this quarter or next quarter, but it does prevent a collapse of the credit system that our economy needs to operate on a daily basis.

So I think the arguments that there are jobs at stake in the auto industry is a false argument, because there are jobs at stake in every corner of our economy. The argument that an economic recovery package passed last month is justification for these kinds of subsidies to other manufacturers is mistaken as well, because that was legislation designed to protect every family, every business in America, given the unique crisis we have had in our credit markets.

Our economy is built on the idea of freedom, transparency, and entrepreneurship. I think we should never forget that. We have the freest economy in the world. If you look at the freest and most open economies in the world and compare them to their more heavily regulated counterparts, in every measure, free and open, transparent markets performed better than their more heavily regulated counterparts. I think there is a lesson here: that we should avoid Government intervention wherever possible. We should minimize the cost of regulation wherever pos-

sible. Of course, we should avoid legislation such as that being proposed for the auto manufacturers that would intervene and subsidize bad economics, poor performance, and bad management choices.

I hope this legislation will be dealt with in an appropriate way. I hope my colleagues will see the value in protecting the taxpayers by opposing this kind of intervention, this kind of unnecessary subsidy. A lot of people have made the observation that a failure to pass subsidy legislation would make bankruptcy for the auto manufacturers more likely, and that may well be the case. But the bankruptcy protection process is designed to allow firms, large and small, to reorganize, to restructure, to establish a better, more effective business model, a better system for producing the kinds of products customers want, for delivering the services our economy needs, improving efficiency and, in doing so, provide strong, well-paying jobs that are secure for as many of their employees as possible and for an employment base that suits the marketplace. But when you have a business model that has been proven to be as problematic as those of the large three auto manufacturers, sometimes bankruptcy protection is the best possible methodology for restructuring, reorganizing, and putting together a firm that is more competitive and stronger and healthier for the long term.

I appreciate the opportunity to speak on these issues. I think it is important that we protect our economy to the greatest extent possible by keeping taxes on capital low, by creating a Tax Code and a regulatory structure that encourages manufacturing and investment, that rewards entrepreneurship, but none of these things requires that we single out one firm or one business over another for a handout or a subsidy at the cost of the taxpayers.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, what is the regular order of business?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to H.R. 6867.

Mr. ALLARD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDENTITY THEFT

Mr. ALLARD. Mr. President, first, I wish to thank the Senator from New Hampshire who just spoke for his leadership in the Congress, and it has been a pleasure serving with him. I also will be retiring, but one of the people I will miss is JOHN SUNUNU from New Hampshire, because I think he has contributed a lot to the process.

I wish to also take a moment to bring to your attention and the attention of my colleagues an issue I have worked hard to address in legislation I proposed this Congress. The issue is

identity theft. I was hopeful Congress would pass legislation that addresses the problem of unauthorized foreign workers stealing Social Security numbers and then using the numbers to obtain employment and then, eventually, accruing Social Security benefits.

Almost 2 years ago, I introduced S. 699. It is legislation that facilitated the sharing of existing information among government agencies in instances where the infrastructure, if shared, could expose cases of identity fraud. Unfortunately, my bill stalled in committee and has not since received further action. Congress's failure to enact such legislation is disappointing, because it has left in place existing law which is ineffectual in deterring unauthorized foreign workers from stealing the identity of citizens—that is Americans—and nationals. Individuals continue to engage in this activity in violation of our criminal laws as well as our immigration laws while also defrauding Social Security and citizens.

Identity theft continues to plague our country at an alarming rate.

If there was ever any doubt, let last week's discovery—in Weld County, Colorado—of 1,300 stolen Social Security numbers by illegal immigrants serve as a reminder of the pervasiveness of this problem. A single additional case of an unauthorized worker stealing a U.S. citizen's identity is one case too many, for it is well within the Federal Government's ability to stop this rampant problem. If my legislation had been enacted, the 1,300 illegal aliens using fraudulent Social Security numbers and resulting in more than \$2.6 million in stolen tax dollars would have caught the attention of law enforcement much sooner.

Last week, after an intense and lengthy investigation by the Weld County Sheriff's Office, the Greeley Police Department, and District Attorney Ken Buck's office, a series of arrests began in a case that is far-reaching and has national implications.

What is upsetting is that Congress has had foresight about the devastating effects of identity theft. We have also been educated, notably by Secretary Chertoff, of the susceptibility for citizens' identities to be stolen by aliens that are in the United States illegally and without authorization to work. I introduced legislation that recognizes the compelling need to modify the law in order to allow our Government both to enforce immigration laws and also protect the victims of identity theft. Under the current law, by the time identity theft is discovered, the damage has already been done. For instance, an 84-year-old Grand Junction woman was deemed ineligible for Federal housing assistance because her Social Security number was being used at a variety of jobs in Denver, making her income too high to qualify. Several individuals had been using her I.D. number, and each individual's salary was then being reported to Social Security. As a result, her income was recorded much higher than

what she was receiving. If the discrepancy had been discovered earlier, before she had applied for her housing grants, there would have been an opportunity to address the disparity before she became a victim twice over.

What is incredible is that the Federal Government, specifically the Internal Revenue Service, is enabling this. Under current policy, the IRS is under no obligation to share information with other agencies upon the discovery of a Social Security number being used with multiple names or in the case where it is discovered that an individual has more than one person reporting earnings for him or her during a single tax year.

I propose to allow the Commissioner of Social Security to share information with the Secretary of Homeland Security, where such information is likely to assist in discovering identity theft, Social Security misuse or violations of immigration law. It is worth noting Secretary Chertoff supports my proposal, believing it is a practical solution that overcomes the current limitations on information sharing.

Despite the force of these arguments supporting legislation that tears down the wall that prevents the sharing of existing information among Government agencies, Congress has so far rejected Secretary Chertoff's call for a legislative solution.

The 1,300 cases of suspected stolen identities exposed in Weld County alone were brought to light after authorities discovered that an illegal immigrant accused of stealing and using a man's Social Security number to get jobs, loans, and other services, had also been filing and receiving tax returns from the Federal Government. It did not take long for investigators to come to the realization that this particular illegal immigrant's suspected use of stolen identity was not an isolated case. As it turns out, these 1,300 other illegal immigrants filed tax returns using the same tax preparer based in Greeley. This is one tax preparer handling 1,300 fraudulent returns. Take a moment and consider the 1,300 illegal aliens' tax returns, which yielded \$2.6 million in tax refunds, were handled by a single tax preparer; now consider the number of tax preparers nationwide and the exorbitant amount of tax dollars—likely in the billions—distributed among illegal aliens using fraudulent Social Security numbers. The way our system works, the tax preparer is relieved of liability, absent reckless misrepresentation or a finding of exceptional negligence.

With whom should the liability lie? The obvious answer is the illegal alien guilty of stealing someone else's identity. But what happens to the helpless victim of the identity theft? Shouldn't our law protect the person who has had their identity compromised, and shouldn't our Federal agencies be required to communicate information about an individual's compromised identity before the individual is robbed

of opportunities such as taking out a student loan, purchasing a home, or purchasing tools or equipment with a small business loan? Shouldn't we do all that we can to prevent law-abiding citizens falling victim to identity theft?

Occurrences of identity theft perpetrated by illegal immigrants have risen and will continue to rise as better systems are developed for verifying employment. Illegal immigrants will continue to assume the names and Government-issued ID numbers of American citizens in order to thwart detection at workplaces, get driver's licenses and obtain credit. Once a person takes a job in the U.S., one of the first things his employer will likely ask for is his Social Security number. The integrity of the immigration system depends on the genuineness of our efforts to protect citizens from immigrant-related identity fraud. Identity theft prevention and immigration enforcement will be greatly enhanced by legislation that permits the sharing of social security data among agencies.

The Weld County Tax I.D. case is just the tip of the iceberg. If more than 1,300 illegal immigrants can receive more than \$2.6 million in tax refunds using stolen Social Security numbers in a community of 100,000 people, how many other cases exist throughout the country? It adds insult to injury that a legislative solution is easily within reach of Congress.

I know we have a lot on our plate this week, but I would ask the Senate to act to close this loophole.

Mr. President, I yield the floor.

MORNING BUSINESS

TRIBUTE TO SENATORS

ELIZABETH DOLE

Mr. FEINGOLD. Mr. President, today I commend Senator ELIZABETH DOLE for her dedicated work on behalf of North Carolina in the Senate and her decades of service to our Nation. In the Senate she has worked hard to ensure our veterans and servicemembers receive the benefits they have more than earned. I was pleased to have her cosponsorship and support for my measure allowing servicemembers to terminate cell phone contracts free of penalties.

Senator DOLE has also demonstrated a commitment to solving the most difficult crises in Africa, particularly in Zimbabwe and Darfur. We both joined with Senator CLINTON and Senator LUGAR on legislation to assist Zimbabweans in their efforts to promote democracy and human rights in their country. I also welcomed Senator DOLE's support on a resolution condemning the recent flawed elections in Zimbabwe. Her voice in the Senate on these issues will be missed. I thank her for her service to the Senate and the people of North Carolina, and wish her all the best for the future.

GORDON SMITH

Mr. President, today I want to thank Senator GORDON SMITH for his service to the people of Oregon. During my time on the Senate Foreign Relations African Affairs Subcommittee I have watched Senator SMITH fight ardently for the President's Emergency Plan for AIDS Relief that has saved countless lives around the globe. His leadership on legislation to fight HIV/AIDS and other diseases has been vital to our efforts to bring help to many African nations.

I also applaud his work to pass the Employment Non Discrimination Act, which I was also pleased to cosponsor. His efforts to end employment discrimination based on sexual orientation represent an important step toward ensuring equal rights for all Americans.

Finally, I want to recognize Senator SMITH's work on legislation to require health insurers to include mental health benefits in their health insurance coverage. This excellent example of bipartisan cooperation, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act, was made possible in part by the commitment of Senator SMITH to ensuring those suffering from mental illness have access to medical treatments that will improve their quality of life.

Once again, I thank GORDON SMITH for his dedication to the people of Oregon and the country while in the Senate, and I wish him all the best in the future.

JOHN SUNUNU

Mr. President, today I want to take a moment to recognize the service of Senator JOHN SUNUNU during his time here in the Senate. It has been a pleasure to work with him on a wide range of issues, from protecting the rights of law-abiding Americans to strengthening our foreign policy toward Africa.

Senator SUNUNU has made many important contributions during his time in this body, but his work to protect the constitutional rights of innocent Americans is certainly among the most important. He recognizes that our government can wage an effective fight against terrorism that still respects our basic freedoms. Senator SUNUNU has been a crucial voice on civil liberties issues like reforming the PATRIOT Act and keeping tabs on government data mining efforts. I am proud that we worked together on a number of bills. Most recently, we introduced legislation addressing the serious misuse of the FBI's national security letter authorities to obtain information about innocent people without judicial review. We also successfully passed legislation last year requiring Federal agencies to inform Congress about the use and development of the kind of government data mining technologies that raise the most serious privacy and efficacy concerns. I will miss his voice on these issues here in the Senate.

Finally, I want to recognize Senator SUNUNU's work on the Senate Foreign

Relations Committee's Africa Subcommittee. I had the privilege of working side by side with him when he was ranking member of that subcommittee, and I saw firsthand his commitment to ending devastating conflicts in Africa. I deeply appreciate his commitment to his work on Africa, and to so many other issues during his service in the Senate. I wish him all the best in the future.

PETE DOMENICI

Mr. LUGAR. Mr. President, I wish to honor our distinguished colleague, PETE DOMENICI, who will be ending his historic Senate career at the end of this Congress. For the past 32 years it has been my privilege to serve with PETE DOMENICI in the Senate. During that time, he has epitomized devotion to public service and to his State of New Mexico. He will leave the Senate having cast more votes than all but six other Senators in the history of this body. He is the longest serving Senator in New Mexico's history, and he rightly occupies an iconic status in his home State.

PETE DOMENICI experienced a modest upbringing as the only son of first generation Italian immigrants. He secured his first job after college as a pitcher for the Albuquerque Dukes, then a farm team for the Brooklyn Dodgers. Following a stint as a teacher, PETE won a seat on the Albuquerque City Commission in 1966. The next year, we both became mayors of our respective cities: PETE served Albuquerque as I served Indianapolis. After 6 years in the Albuquerque City Hall, he became the first Republican to win a Senate seat from New Mexico in 38 years.

I entered the Senate in 1977, 4 years after PETE. By that time, he already was recognized as a leading Republican authority on the budget process. I looked to PETE as a mentor on the intricacies of the Federal budget, and he graciously tutored me on both substance and process. Year after year, as the lead Republican on the Budget Committee, PETE was indispensable as floor manager of the budget resolution. Frequently, when the Senate lost its way during a difficult budget debate, Senator DOMENICI functioned as a touchstone to bring the debate back to sober reflection and verifiable statistics. I doubt the Senate will ever experience a leader who has a more detailed command of the budget process and who could explain it with greater clarity.

It is telling that even though PETE derived much annual power from his roles as Budget chairman and Appropriations subcommittee chairman, this status did not dissuade him from proposing a reform idea that implicitly would reduce his opportunities to exercise this authority—namely a 2-year budget cycle. I have always been impressed by his embrace of this idea, and his endorsement influenced my own support for a 2-year budget process. Senator DOMENICI's advocacy went against standard expectations that

Members of Congress will protect their own prerogatives even if their best judgment tells them that reforms are necessary. But PETE's service in the Senate was never based upon accruing personal authority or maximizing his notoriety.

I was extremely pleased that Senator DOMENICI's assiduous efforts over many years were recently brought to fruition with the passage and signature into law of the Mental Health Parity Act. PETE joined the late Senator Paul Wellstone in promoting this bipartisan legislation that will ensure that health plans make mental health treatment available for those in need. It will provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services and help avert the development of future physical problems that could arise from untreated and increasingly debilitating psychological illness.

I am especially sad to see PETE leave because he has been an outstanding partner in work to prevent nuclear proliferation and to improve response to attacks involving weapons of mass destruction. In concert with the efforts of Senator Sam Nunn and myself to establish the Nunn-Lugar Cooperative Threat Reduction Program at the Department of Defense—which is aimed at securing and destroying weapons of mass destruction in the former Soviet Union—Senator DOMENICI spearheaded the expansion of the Energy Department's involvement in safeguarding nuclear material. He also was an effective advocate for the role of our National Laboratories in nonproliferation work. Scientists from the National Laboratories have been on the frontlines of our engagement with the brain trust of the Soviet nuclear program. PETE understood the unique skill set possessed by our laboratories, and he made sure that they were well funded and authorized to implement numerous nonproliferation projects. Senator DOMENICI also joined with Senator Nunn and me to pass the Nunn-Lugar-Domenici Act of 1997. Long before September 11, 2001, this legislation was working to improve the capabilities of local and State first responders, especially with regard to weapons of mass destruction attacks. The experience, awareness, and structure established by this program have been valuable to our Nation's post-9/11 homeland security efforts.

The Senate will miss deeply Senator DOMENICI's experience displayed over 36 years. He will be remembered as a workhorse able to shoulder the daily burdens of a thousand details, but also as a thoughtful observer who saw beyond the politics of the moment to provide perspective on the direction of our country. I wish my good friend the best as he leaves the Senate to experience new adventures with his family.

CHUCK HAGEL

Mr. President, I wish to take this opportunity before the 110th Congress adjourns to honor our distinguished col-

league and my good friend, CHUCK HAGEL, who will be leaving the Senate after 12 years of achievement.

Senator HAGEL has applied his estimable talents to many of the most critical areas of public policy. Throughout his time in the Senate he was a stalwart member of the Foreign Relations Committee, where he became one of the Senate's experts on international affairs.

Upon CHUCK HAGEL's arrival in the Senate in 1996, he had already distinguished himself in service to his country. He was decorated for his service as an infantryman in the U.S. Army during the Vietnam war; He went on to careers as a congressional staffer, a deputy administrator of the Veterans Administration, and a successful businessman.

When CHUCK came to the Senate, it was clear that his unique background would be an asset to the Senate Foreign Relations Committee. I encouraged him to join the committee and was pleased that he did so. In the Senate, CHUCK embraced responsibility for U.S. national security as few Senators have in recent decades.

Senator HAGEL's years in the Senate will be remembered for his willingness to challenge conventional wisdom and his ability to see issues from multiple perspectives. He has been a determined advocate for an independent point of view, but also a good listener who has often forged compromises that benefited our Nation.

For the last 9 years, CHUCK has sat next to me through hundreds of Foreign Relations Committee hearings and meetings. I greatly enjoyed the opportunity to exchange ideas with him, to compare perspectives on our witnesses, and to develop common approaches to problems. He was always candid and thoughtful in both his public statements and his private advice.

He understands that the world's problems are our problems; that our economic health is tied to the prosperity of the rest of the industrialized world; that the cleanliness of our environment is deeply affected by the environments of those even beyond our continent; and that our access to global natural resources and energy supplies depends on maintaining stable conditions in some of the most volatile regions on Earth. In a "Memo to the Candidates" written last summer, he underscored the interconnected nature of our world, saying:

America's long-term security interests are directly connected to alliances, coalitions, international institutions, and our standing in the world. The next President will have to reintroduce America to the world in order to regain its trust in our purpose as well as our power.

CHUCK contributed greatly in recent years to the committee's efforts to improve our Government's stabilization and reconstruction capacity, to elevate the priority of energy diplomacy, to facilitate NATO expansion, to reauthorize the PEPFAR program, to prevent the proliferation of weapons of mass

destruction, and to safeguard the international environment.

I have greatly appreciated his personal friendship and thoughtful remembrances of events in my public and private life. My entire office benefited from his personal generosity in 2001 when the Senate endured the anthrax attack. My staff and I were displaced from our office for more than 3 months. Senator HAGEL stepped forward and offered us a large room in his suite in the Russell Senate Office Building, which became the nerve center of my Senate office while we were displaced. Senator HAGEL's thoughtfulness allowed us to continue operations during this difficult period.

I will greatly miss CHUCK's presence in the seat next to me at committee hearings, and I know that the Senate as a whole will miss his wisdom and well-deserved reputation for humor. But I have no doubts that he will encounter other opportunities to serve the United States. His counsel on foreign and defense policy will be sought out by Members of Congress and Presidential administrations for many years to come. I look forward to many insightful conversations with my friend and to witnessing all that he will achieve in the future.

JOHN WARNER

Mr. President, I am pleased to join with other Senators in honoring our distinguished colleague, JOHN WARNER, who will be retiring at the end of the 110th Congress. When he steps down, Senator WARNER will have the distinction of being the second longest serving Senator in Virginia's history. He stands as an example of the type of temperament, foresight, and dedication that the Founders envisioned when they created the Senate. For the past 30 years it has been my privilege to serve with JOHN WARNER. During that time, we have shared a common commitment to the national security of the United States. We have worked together on innumerable issues, and I have witnessed with admiration his strong character, his intellectual independence, and his unflinching devotion to public service.

Even before JOHN was elected to the United States Senate, he had distinguished himself in service to our country. He joined the U.S. Navy before his 18th birthday and went on to serve honorably in World War II. After college and before he was able to complete law school, he returned to the military as an Active Duty marine during the Korean conflict. After his service, JOHN came home to complete law school. Subsequently he worked as a Federal prosecutor and private lawyer. President Nixon appointed JOHN to be Under Secretary of the Navy, and he went on to be Secretary of the Navy from 1972 to 1974. When he was elected to the Senate in 1978, he was extremely well prepared to take on the role of a Senator and to contribute greatly to the national security of our Nation.

Senator WARNER has played a prominent role in almost every major De-

fense policy accomplishment of the last three decades. In the Senate, he has been a steadfast supporter of the well-being of the American soldier, sailor, and airman. I know that not a day goes by that he does not devote thought to how he can contribute to improving our Armed Forces and making our country more secure. It was a special pleasure for me to have chaired the Foreign Relations Committee during a 4-year period from 2003 to 2007 when JOHN was chairing the Armed Services Committee. I believe relations between the two committees became stronger during this time, as we cooperated closely on arms control matters, policies toward Iraq and Afghanistan, arms sales, and many other matters.

My friendship with JOHN has been strengthened by our mutual membership in the Beta Theta Pi Fraternity, and I was privileged to participate in the awarding of Beta's Oxford Cup to Senator WARNER in April 2008. The award ceremony and dinner took place in the Foreign Relations Committee hearing room, and this was a wonderful opportunity for us to share experiences with other Beta members.

It is difficult for me to imagine the Senate without JOHN WARNER. He loves this institution, and he derives great satisfaction from both its collegial nature and the daily opportunities Senators have to improve life in the United States.

Senator WARNER leaves the Senate after 30 years, having established a legion of friendships and a memorable legacy. We will miss his kindness, his steadiness, and his unflinching confidence in the United States. Even as we will miss seeing our friend every day, we know that JOHN will be blessed by the opportunity to spend more time with his family. I am sure that he will continue to serve the public, and I join the Senate in wishing him all the best as he moves on to new adventures.

PETE DOMENICI

Mr. SPECTER. Mr. President, the departure of Senator PETE DOMENICI will deprive the Senate of our foremost expert on energy and budget legislation. For 36 years, I have enjoyed and learned from PETE's frequent presentations in our Republican Senators' caucus meetings.

His chairmanship of the Budget Committee during the Reagan administration led to sensible economies in Federal spending which have not since been duplicated. If his comprehensive ideas on energy had been followed, the United States would long ago have shed its dependence on foreign oil.

Through it all, PETE has been a most congenial colleague. Always smiling, always helping, PETE has constantly been available to offer guidance to Members not as well-versed on his areas of specialty. Enormously popular in New Mexico, it is understandable why he is called "Saint Pete."

Senator DOMENICI came to my rescue when I was called upon to make the

presentation at the Senate Wednesday prayer breakfast after I had been a member for a short period of time. I chose to talk about a new edition of the New Testament which had been published by a friend, Irwin Borowsky of Philadelphia. The text omitted all references which might have been interpreted to be critical of Jewish people in connection with the crucifixion.

I made the point that these references had caused young Jewish boys to be beaten up in some communities on Christian religious holidays motivated by the anti-Jewish comments in the Bible. My theme was sharply, really vehemently, opposed by some Senators at the breakfast. PETE DOMENICI then supported my contention reciting some of the barbs, insults and worse which had been inflicted on Italians.

When PETE told me of his plan to retire because he thought he was failing, I urged him to make a full disclosure of his medical condition to his constituents but to stay on. I told him of a conversation I had with Senator Paul Tsongas in 1984 when Tsongas had announced his intent to retire because he had lymphoma, as I recall it. Since the medical evidence suggested Paul might well serve out his term, I urged him to stay on, leaving the voters to decide after making full disclosure as to his medical condition. Paul Tsongas felt otherwise and elected to leave. He not only could have served his full term through 1990 but then became a candidate for the Democratic nomination for the Presidency in 1992. After telling him about the Tsongas situation, PETE stuck by his decision. In recent days, Senator DOMENICI has looked stronger than ever but I totally respect his decision, saying only that we will miss him very much.

JOHN WARNER

Senator JOHN WARNER's retirement is a great loss to the Senate. He brought to this body in 30 years of service wit, wisdom and gallantry. An old-style Southern gentleman, Senator WARNER held a unique position as the Senate squire. His experience in military matters going back to his sailor days in World War II, to Secretary of the Navy in 1972, and Chairmanship of the Armed Services Committee, made him a pre-eminent figure in the Department of Defense legislation. When Senator WARNER made a recommendation on defense matters, his word carried great weight.

Some of my fondest recollections of JOHN WARNER come from the squash court where we regularly engaged until he said his knees wouldn't take the twists or turns any longer although he continued to be an avid tennis player. In a squash match more than 20 years ago, I sustained a serious gash under my left eye requiring six stitches for closure. At that time, I had read about a Washington hockey player who sustained an eye injury but came back immediately to play with headgear and a

plastic cover over the face. I secured one the same day of my injury and was back on the squash court the next day.

JOHN claims responsibility, perhaps, credit for inflicting the wound. Memories fade after a couple of decades, but my recollection is that Senator Bob Packwood was the malefactor, although I never challenged JOHN's recitation because he seemed to enjoy it so much.

Some of our longest discussions occurred in the Senate gym where we would talk while awaiting our turn on the massage table. He would always say we came at about the same time although he was precise to assert his 2 years' seniority.

Senator WARNER was a help to me even before I became a Senator when he and his new bride, Elizabeth Taylor, were the star attractions at a fundraiser for me in New York City.

Senator George Mitchell tells an interesting story about Senator WARNER. Senator Mitchell recalls a filibuster where cots were set up in the Senate Marble Room where Mitchell was feeling sorry for himself about giving up a lifetime appointment as a Federal judge then becoming a Senator and wasn't too happy about the all-night sessions. As George put it, he was stumbling his way through the cots during the 1980 filibuster all-nighter when he stumbled across newly wed JOHN WARNER snoring on one of the cots. George commented that JOHN was giving up more than he was so it wasn't so bad after all.

My speculation is that Senator WARNER will be called back for more public service because he still has a lot of vim, vigor and vitality, but we will sorely miss him in the Senate.

LARRY CRAIG

LARRY CRAIG has made significant contributions to the Senate during his three terms. He has been a leader on energy, agriculture policy and veterans affairs. During the debate on immigration, he was a forceful spokesman for a guest farm workers program. When we next take up important subjects, his leadership will be missed.

I worked with him closely on veterans affairs where he chaired that committee after I moved from chairman there to chair the Judiciary Committee. His leadership on a Codel to the World War II battlefields in France over Memorial Day 2006 was particularly noteworthy. Our visits to U.S. cemeteries in France and inspection of the Normandy beaches were memorable.

I was glad to see LARRY finish out his full third term after the incident at the Minneapolis airport. When I heard the recording of the police officer's questioning him, I immediately thought that there was insufficient evidence of wrongful conduct. I heard the reports that he planned to resign at the end of September 2006 and called him to suggest that he modify his public statement to allow for reconsideration of that decision. He did so, and as the

record shows, his legal challenges well within his rights, enabled him to stay through the conclusion of the 110th Congress.

Since that event, he has weathered the storm, conducted himself with dignity on his official duties and made a real contribution to the Senate. It was definitely in the interests of his Idaho constituents and the Senate for him to stay on and complete his term.

CHUCK HAGEL

Senator CHUCK HAGEL's intellectualism and independence will be sorely missed in the Senate. CHUCK HAGEL's service in Vietnam, where he earned military decorations and honors including two Purple Hearts, has given him special standing on key defense issues. With that background, he enjoys a sort of immunity from a charge of being soft on defense and his views are more closely followed.

Senator HAGEL will be especially missed by the few Republican moderates who were encouraged by his independence.

My sense is that CHUCK HAGEL will stay in public life in one form or another, but I would have preferred to have seen him stay in the Senate to promote the resurgence of moderation within the Republican ranks and bipartisanship extending across the aisle for important legislation.

WAYNE ALLARD

The Senate Appropriations Committee, as well as the Senate generally, will miss Senator WAYNE ALLARD. WAYNE has been a strong voice for fiscal responsibility. His background as a veterinarian has provided an interesting dimension beyond members who have legal, business, or academic backgrounds.

Senator ALLARD has led by example, demonstrating his frugality by returning more than \$4 million in unspent office funds to the U.S. Treasury since being elected to Congress. In retiring after two terms, he has stuck by his commitment on term limits. My personal preference would have been for WAYNE to stay on because, building on his experience, he would have made additional significant contributions to the benefit of his State, Colorado, and the Nation.

GORDON SMITH

Mr. CONRAD. Mr. President, when a departing colleague has been a strong working partner as well as a friend, saying good-bye is not easy. I have had the pleasure of serving on several committees with GORDON SMITH over the course of his career. We have sat across the dais from each other at the Budget Committee, the Indian Affairs Committee, and the Finance Committee.

I am proud of what Senator SMITH and I have been able to accomplish in promoting savings and capital preservation for people in their retirement years. He recognized a long time ago that the sooner workers begin saving for retirement—and the longer they sustain that commitment—the better

off they and their families will be when they have to depend on those savings.

The successes we enjoyed in getting some of our ideas included in the Pension Protection Act of 2006 led to more ambitious proposals to address the special retirement savings and income needs of women and older workers. And GORDON SMITH was the first to join the effort to promote lifetime income instruments as a response to longevity advances, which constitute the greatest threat to the retirement income security of the baby boom generation.

In view of the economic situation the country now faces, the efforts that Senator SMITH and I began must continue. I sincerely regret that he will not be my primary partner on this agenda in the 111th Congress. I certainly hope that he will continue to use his influence and intelligence to keep the focus on this clear national priority.

Finally, I want to salute Senator SMITH for the character of his service to his State, this body, and to the Nation. He is the kind of deliberate, open-minded, and thoughtful public servant the Founders must have had in mind when they conceived the Senate. We will truly miss this distinguished gentleman from Oregon.

ELIZABETH DOLE

Mr. President, I rise today to acknowledge my colleague from North Carolina, Senator ELIZABETH DOLE, who will be leaving this body after serving the people of North Carolina for the past 6 years.

Senator DOLE and I have had the opportunity to work together on various issues important to the future of our nation. Senator DOLE has been a strong advocate for the interests of not only her State, but the U.S. in general.

For example, just recently, Senator DOLE and I worked together to pursue a more sustainable energy policy for our country. One of our goals was to transition new vehicles to an alternative source of energy by 2020 and reduce our dependence on foreign oil. This commitment to improving the nation is what defined Senator DOLE's tenure in the Senate.

Senator DOLE has also been active on agricultural issues. Because both of our States have a strong agricultural sector in our economy, this issue is very important to our constituents. From her time on the Senate Agricultural Committee early in her Senate career through the farm bill recently, Senator DOLE has consistently looked out for the North Carolina farming community and the farming industry itself.

Senator DOLE has had a long career of public service. She served as Secretary of Transportation under President Reagan and Secretary of Labor under President George H.W. Bush. This gave her the distinction of being the first woman to serve in two different Cabinet positions during two different administrations. She also served as the president of the American Red Cross, heading one of the largest humanitarian organizations in the world.

This list of accomplishments underscores Senator DOLE's commitment to serving the public at large.

Again, I have appreciated the opportunity to work with Senator DOLE and wish her well as she leaves the Senate.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the budget scorekeeping report for fiscal year 2008 prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This is my final report for fiscal year 2008.

This report shows the effects of congressional action through October 1, 2008. Since my last report, dated September 12, 2008, the Congress has cleared and the President has signed P.L. 110-329, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. The estimates of budget authority, outlays, and revenues used in this report are consistent with the technical and economic assumptions of S. Con. Res. 70, the 2009 budget resolution.

The estimates show that current level spending is below the budget resolution by \$5.2 billion for budget authority and \$2.4 billion for outlays while

current level revenues are above the budget resolution by \$3 billion.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 19, 2008.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through October 1, 2008. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, as approved by the Senate and the House of Representatives.

Since my last letter, dated September 11, 2008, the Congress has cleared and the President has signed the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329). Division B of the act provided \$22.9 billion for disaster relief and recovery for 2008; the entire amount was designated as an emergency requirement pursuant to section 204(a) of S. Con. Res. 21. Amounts so designated are exempt from enforcement of the budget resolution.

tion. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF OCTOBER 1, 2008

[In billions of dollars]			
	Budget resolution ¹	Current level ²	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	2,456.2	2,451.0	– 5.2
Outlays	2,437.8	2,435.3	– 2.4
Revenues	1,875.4	1,878.4	3.0
OFF-BUDGET			
Social Security Outlays ³	463.7	463.7	0.0
Social Security Revenues	666.7	666.7	0.0

¹ S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009, assumed \$108.1 billion in budget authority and \$28.9 billion in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110-252) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110-252 (see footnote 2 of table 2), budget authority and outlay totals specified in S. Con. Res. 70 have also been reduced for purposes of comparison.

² Current level is the estimated effect on revenue and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

³ Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF OCTOBER 1, 2008

[In millions of dollars]			
	Budget authority	Outlays	Revenues
Previously Enacted ¹			
Revenues	n.a.	n.a.	1,879,400
Permanents and other spending legislation	1,441,010	1,394,887	n.a.
Appropriation legislation	1,604,649	1,635,118	n.a.
Offsetting receipts	– 596,805	– 596,805	n.a.
Total, Previously enacted	2,448,854	2,433,200	1,879,400
Enacted this session:			
Supplemental Appropriations Act, 2008 (P.L. 110-252) ²	0	7	0
Medicare Improvements for Patients and Providers Act of 2008 (P.L. 110-275)	1,942	1,924	1
Housing and Economic Recovery Act of 2008 (P.L. 110-289) ²	203	203	– 968
Higher Education Opportunity Act (P.L. 110-315)	– 10	0	0
Total Current Level ^{2,3,4}	2,135	2,134	– 967
Total Budget Resolution ⁵	2,450,989	2,435,334	1,878,433
Adjustment to the budget resolution for emergency requirements ⁶	2,564,237	2,466,678	1,875,401
Adjusted Budget Resolution	– 108,056	– 28,901	n.a.
Current Level Under Budget Resolution	2,456,181	2,437,777	1,875,401
Current Level Over Budget Resolution	n.a.	n.a.	3,032
Current Level Under Budget Resolution	5,192	2,443	n.a.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

¹ Includes the following acts that affect budget authority, outlays, or revenues, and were cleared by the Congress during this session, but before the adoption of S. Con. Res. 70, the Concurrent Resolution on the Budget for Fiscal Year 2009: National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181), Economic Stimulus Act of 2008 (P.L. 110-185), Andean Trade Preference Extension Act of 2008 (P.L. 110-191), Ensuring Continued Access to Student Loans Act of 2008 (P.L. 110-227), Consolidated Natural Resources Act of 2008 (P.L. 110-229), Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (P.L. 110-232), Food, Conservation, and Energy Act of 2008 (P.L. 110-234), SAFETEA-LU Technical Corrections Act of 2008 (P.L. 110-244), and Heroes Earnings Assistance and Relief Act of 2008 (P.L. 110-245).

² Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2008 (P.L. 110-252)	115,808	35,350	n.a.
Housing and Economic Recovery Act of 2008 (P.L. 110-289)	4,106	187	n.a.
Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329)	22,859	0	n.a.
Total	142,773	35,537	n.a.

³ For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

⁴ The scoring for P.L. 110-318, an act to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund, does not change current level totals. P.L. 110-318 appropriated approximately \$8 billion to the Highway Trust Fund. The enactment of this bill followed an announcement by the Secretary of Transportation on September 5, 2008, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 110-318 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, no change is required.

⁵ Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 70, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution	2,563,262	2,465,711	1,875,392
Revisions:			
For the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008 (SPR Act) (section 323(d))	– 950	– 950	0
For the Heroes Earnings Assistance and Relief Tax Act of 2008 (Heroes Act) (section 323(d))	0	0	8
For adjustment to debt service for the SPR and Heroes acts (section 323(d))	– 7	– 7	0
For the Medicare Improvements for Patients and Providers Act of 2008 (sections 221(f) and 227)	1,942	1,924	1
For the Higher Education Opportunity Act (section 222)	– 10	0	0

	Budget authority	Outlays	Revenues
Revised Budget Resolution	2,564,237	2,466,678	1,875,401
⁶ S. Con. Res. 70 assumed \$108,056 million in budget authority and \$28,901 million in outlays for overseas deployment and related activities. The Supplemental Appropriations Act, 2008 (P.L. 110–252) designated funding for these activities as an emergency requirement, pursuant to section 204(a) of S. Con. Res. 21. Such emergency amounts are exempt from the enforcement of S. Con. Res. 70. Since current level totals exclude the emergency requirements enacted in P.L. 110–252 (see footnote 2), budget authority and outlay totals specified in S. Con. Res. 70 have been reduced for purposes of comparison. SOURCE: Congressional Budget Office. Note: n.a. = not applicable; P.L. = Public Law.			

HONORING OUR ARMED FORCES

CORPORAL SCOTT DIMOND

Mr. GREGG. Mr. President, I rise today to honor Cpl Scott Dimond of Franklin, NH. On Monday, October 13, 2008, Corporal Dimond was tragically taken from us when his vehicle struck an improvised explosive device and his patrol was engaged in small-arms attack in Kandahar, Afghanistan. My deepest sympathy, condolences, and prayers go out to Scott's family and loved ones who have suffered this grievous loss. At 39 nine years old, Scott will always be remembered as a dedicated citizen who consistently put others before himself.

Scott enlisted in the U.S. Marine Corps during his senior year in high school but was medically discharged after a serious football injury. Still determined to serve his fellow citizens, Scott began a career in law enforcement. He served 18 years with the Franklin Police Department, retiring in 2006 as a sergeant. Upon his retirement, Scott's unwavering determination to serve others remained. He enlisted in the New Hampshire National Guard while working toward a degree as a registered nurse, enabling Scott to assist others in a new way—the health care profession. To any observer, Scott's professional pursuits will forever echo selflessness, sacrifice, and patriotism, and for that, we are eternally grateful.

As a member of an embedded tactical training team, there is no doubt that Scott's law enforcement background and his willingness to help others successfully contributed to the mentoring and strengthening of the Afghan army and police force, accelerating the eventual return of American military personnel from the battlefield. Consistent with the rest of his life, Scott routinely put his country and his fellow soldiers before himself. Because of his devotion and sense of duty, the safety and liberty of countless Americans is more secure. Unquestionably, Scott is a shining example of the highest caliber of person that New Hampshire, and this country, can produce. We are honored to speak of his contributions, spirit, and dedication. In the words of Daniel Webster—"what a man does for others, not what they do for him, gives him immortality." May God bless Cpl Scott Dimond, his family, and all those who are currently serving in uniform.

PROTECTIVE FORESTS AND WILDLIFE IN SUMATRA

Mr. LEAHY. Mr. President, I want to take a moment to call attention to the recent action of the Government of Indonesia to preserve the endangered rain forests an ecosystems of Sumatra.

On October 10, 2008, the Indonesian Government, in cooperation with the

World Wildlife Fund, WWF, announced an agreement between the 10 provincial governors of Sumatra to protect biodiversity on the world's sixth largest island. Although long overdue, this is an important first step towards conservation of a unique habitat at a critical time.

Sumatra is the only place on Earth where tigers, elephants, rhinos, and orangutans co-exist. It has also gained a reputation for having lost almost half of its natural forest cover since 1985. The rapid expansion of palm oil and pulpwood plantations, as well as rampant illegal logging, have been largely to blame. These activities have contributed to the precipitous decline in numbers of these endangered species, whose habitat has become a patchwork of disconnected small parcels of forest.

This action to protect the forests is important not only for Indonesia but for the rest of the world. Thirteen percent of Indonesia's remaining forests grow on peat soil, which emits large amounts of carbon dioxide into the atmosphere when trees are felled. Further destruction of these forests will contribute to global warming at a time when we should be doing everything possible to reduce greenhouse gases.

This agreement represents a significant change of attitude and policy, for which President Yudhoyono and his government deserve credit. Implementing the agreement will be difficult, requiring additional resources for alternative economic opportunities for people living in these areas, and for enforcement, and I urge the U.S. Agency for International Development and other donors to support it.

MILLENNIUM CHALLENGE CORPORATION

Mr. LEAHY. Mr. President, as Chairman of the State and Foreign Operations Subcommittee, I want to take a moment to speak about the budget of the Millennium Challenge Corporation, MCC.

The fiscal year 2009 State and Foreign Operations bill, reported by the Appropriations Committee on July 18, 2008, recommends \$254 million for the MCC. Since this is substantially less than the \$2 billion requested by the President, it was predictable that the Senate committee's action would cause concerns among the MCC and many of its supporters, as well as governments that seek MCC funding. Those concerns have been expressed and I want to address them briefly today. While differences are inevitable in the legislative process, it is important that such differences not be based on a misunderstanding or confusion about the facts.

During the past several months, I have heard that some of those who

have complained about the Senate committee's action have suggested that it was motivated by an antipathy towards the MCC and a desire to close it down or dramatically curtail its functions. That is incorrect.

To begin with, we have commended the MCC for what it has accomplished since its inception 4 years ago. Several compacts are beginning to show tangible results, including the implementation of agriculture, infrastructure and other projects. Ambassador John Danilovich, the MCC's CEO, has been a strong leader at a critical time, and I commend him as well as deputy CEO Rodney Bent. They have both done a fine job of representing the MCC, both here and abroad.

Earlier this year, when the subcommittee was dividing up funds allocated to State and Foreign Operations, we faced many difficult choices. Our fiscal year 2009 allocation was \$2 billion below the President's budget request, and the President underfunded or failed to fund many critical programs of interest to both Democrats and Republicans. For example, he cut funding for family planning/reproductive health by over \$100 million below the fiscal year 2008 level. He cut the U.S. contribution to the global fund to fight AIDS, TB and malaria by \$350 million. He short-changed humanitarian relief programs, peacekeeping, democracy programs, environment and energy programs. There are many other examples.

We also considered the fact that Congress had appropriated \$7.5 billion for the MCC, and by July 18 only \$235 million had been disbursed of which a significant portion was for administrative expenses. While we made clear that we were not advocating faster disbursements, we do not support additional compacts until more of the funds we have already appropriated produce sustainable results.

Many compacts were slow getting off of the ground, in some cases because the MCC rightly insisted that governments make further refinements, or because the contracting process took longer than expected. These kinds of delays are predictable and do not reflect poorly on the MCC. Unfortunately, I have heard that some MCC personnel in country are being urged to disburse funds more quickly. As we have said before, this is not our intent, particularly if it risks short-cutting procurement guidelines or other safeguards, or otherwise negatively affects the quality of implementation of compacts.

I do not know what the optimal rate of disbursement is for the MCC. It may be disbursing funds at the right rate.

By pointing out the rate of disbursement the committee has simply sought to explain why, in part, we are unable to support hundreds of millions of dollars for new compacts when compacts that are several years old have only disbursed a fraction of their funds. More time is required to review the effectiveness of the 18 compacts that already exist. I am told that the MCC's board of directors will meet in December to discuss which additional countries will be eligible to apply for compact funding in fiscal year 2009. Since we will not have a final fiscal year 2009 funding level for the MCC until late January at the earliest, I urge board members to act judiciously and to keep in mind that eligibility does not assure that a compact will be funded.

The many competing demands placed on the State and Foreign Operations Appropriations bill will only increase over the next few years, given the global financial crisis, which will have direct and indirect consequences for the world's poorest countries. We also expect to be asked to increase funding for international HIV/AIDS programs due to the recent PEPFAR reauthorization.

The MCC is a new and innovative form of assistance, and we want it to succeed. I was involved in drafting the authorizing legislation that established the MCC, and I have said many times that I strongly support the concept of providing governments with incentives to combat corruption, improve governance, and address the basic needs of their people. If the MCC shows that it can achieve the results we all want, it could become a model for other forms of foreign assistance.

But we cannot ignore other pressing short-term and long-term needs. Some have claimed that not providing another billion dollars for the MCC in fiscal year 2009 will delay progress toward long-term development goals. I would argue that funding to address the acute personnel shortages at the Department of State and USAID, which the President's budget largely ignores, is a priority for effective U.S. diplomacy and development assistance programs now and in the future.

It is also notable that a number of governments that were awarded compacts are not performing as expected. According to the 2009 Country Scorecard Index, 5 of the 8 MCC lower middle income countries that have compacts have failed 8 of 17 indicators. Similarly, with the reports of systemic voter fraud in the recent Nicaraguan elections, I am concerned that President Ortega's government may have jeopardized the MCC compact in that country.

The future of the MCC is now up to the Obama administration, and I expect President-elect Obama will explore all options for how the MCC should be managed and implemented, as he will for other Federal programs. However, before major adjustments, if any, take place, Congress has to finish the remaining fiscal year 2009 spending bills.

Senator GREGG and I will be working with our colleagues in the House. There are several areas in the State and Foreign Operations bill where the Senate and House positions differ, and the MCC is one obvious example. Until then, I would encourage those who care about the MCC, as many of us do, to focus on ensuring that funds already appropriated are used effectively.

TRIBUTE TO BOB MILLER

Mr. LEAHY. Mr. President, I rise today to recognize the great achievements of a wonderful Vermont businessman, Bob Miller, president of R.E.M. Development Company in Williston.

Bobby started R.E.M. Development in 1984, and over the last quarter century, the company has grown to become one of Vermont's largest commercial real estate developers. While it is hard to travel around Vermont without running into one of Bobby's projects, his lifelong commitment to bettering his community is both admirable and commendable.

Bobby recently received two special awards for his outstanding business practices and devotion to the community. Citing "their determination, success, and philanthropy," the Lake Champlain Regional Chamber of Commerce honored R.E.M. Development as its 2008 Large Business of the Year. In addition, saying that Bobby "typifies the true spirit of service and self-sacrifice in representing the finest ideals of Vermont citizenship," the Vermont Chamber of Commerce presented him with its 2008 Citizen of the Year Award. I congratulate Bobby and R.E.M. Development for both of these well-deserved achievements.

I ask unanimous consent to have a November 17, 2008, Burlington Free Press article about Bobby Miller's successful career printed in the RECORD so all Senators can read about a prosperous Vermont businessman who continually gives back to his community.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Monday, Nov. 17, 2008]

MILLER IS A BUILDER AND A GIVER

(By Adam Silverman)

WILLISTON.—Just about anybody can create and run a thriving business when times are good. When the economic outlook is gloomier, though, success requires more careful planning and management.

That's both a piece of advice from and a guiding philosophy for Bob Miller, president of Williston-based R.E.M. Development Co., a 24-year-old company that builds and leases commercial real estate. Even with recession fears spreading, Miller said business is flourishing.

"There is always demand," he said last week while sitting behind his granite-topped desk at an industrial park he owns on Avenue D. "I don't think there's a good time or a bad time to go into business. Either you have a business plan that's going to work, or it's not. Anyone can make it in good times."

Outside, cars, trucks, big rigs and package-delivery vans frequented the businesses that rent space in his buildings. The park represents just a fraction of the 2 million square feet of real estate R.E.M. rents, a total that makes the company "the region's largest commercial industrial developer of manufacturing, distribution, warehouse, and flex space," it boasts on its Web site.

Miller, 73, of Burlington, whose initials compose his company's acronym, incorporates another component into his philosophy: the need for philanthropy, for businesses to give back to their communities. He has donated money and construction services to hospitals, exposition centers and youth recreational facilities, among many others. Miller and his wife, Holly, give what they call the "three Ts"—time, talent and treasure.

"It's kind of fun to take on one of these projects and stand back and say, 'We really helped this neighborhood,'" Miller said. "It's a great way to get your name out. There are rewards for philanthropy. People know you're out in the community giving back and not just taking, taking, taking. That's not why we do it—we do it because we want to—but there is that relationship in getting involved."

Those components of Miller's work, the successful company and the devotion to philanthropy, led to two awards he received last week.

The Lake Champlain Regional Chamber of Commerce honored R.E.M. Development on Tuesday as its large business of the year, citing Miller and the company for "their determination, success, and philanthropy." Three days later, the Vermont Chamber of Commerce presented Miller its Citizen of the Year Award, also championing his business acumen and his good works.

Miller "typifies the true spirit of service and self-sacrifice in representing the finest ideals of Vermont citizenship," the Vermont Chamber says on its Web site. "His commitment to the prosperity of the people and businesses in Vermont reaches statewide."

Among Miller's projects is Burlington's Gosse Court Armory, an old National Guard facility the military donated to the city in 2005 for transformation into a community center.

The city approached Miller about a potential contribution after budget estimates exceeded available resources. Miller looked at the plans, said he could do the work for \$500,000 less than the \$1.3 million estimate, and agreed to serve as general contractor. Later he wrote a check for \$100,000.

"It's really extraordinary to have a developer with his skills and expertise step forward to do this for his community," the city's chief administrative officer, Jonathan Leopold, said earlier this year.

Sitting in his office last week, Miller fielded a phone call from a construction worker at the armory. Without referring to any plans or drawings, Miller helped solve an engineering challenge from memory, delivering precise instructions. Then he drew a sketch on a blank sheet of paper to help an observer understand the issue: the alignment of basketball hoops and the configuration of lines on the gymnasium floor.

Miller's talent for drawing and engineering came naturally, he said. A Rutland native, Miller thought during high school he wanted to be a mechanic, but after graduation he turned toward engineering. His first job was as a draftsman.

He moved to Burlington in 1959 and helped draft electrical plans for the University of Vermont's library and Burlington High School; because the money wasn't great, Miller also tended bar, he said. In 1972 he started New England Air Systems, which he ran for

a dozen years, and then he sold it to the employees and created the company he continues to run—with 12-hour days during the week and seven hours on Saturdays.

"One of my philosophies is, you've got to make money or you're not going to be in business," he said. "I love the business. I love the challenge of negotiating. I'm fiercely competitive. I may not look that way, but I'm a highly competitive guy. But I'm not a sore loser, either."

Miller is especially happy to see businesses "grow with us," starting out small and expanding as their success increases. R.E.M. Development, which Miller runs with his son, Tim, is devoted to helping its tenants, but expects serious effort in return, Miller said.

"We try to help people get started. I'm a great advocate of the underdog, because that's where I came from," he said. "We want people to make a profit, but they've got to work for it, as we do."

Businesses first must craft a solid, well-researched, thorough, realistic business plan, Miller suggested. Then they must forge relationships with customers and with vendors, and develop and maintain a positive reputation. That's helped Miller thrive.

"When we really need a product, we can get that product," he said, referring to critical building components. "People know they will get paid. We don't cry wolf every day, but we do cry wolf from time to time."

Last, and sometimes of special importance, is for an owner to be able to abandon an unsuccessful venture, as he did with a portable-storage project he launched just before 9/11, even though a stigma can be attached, Miller said.

"If you're successful, everyone thinks you're a genius. If you fail they think you're a schmuck," he said. "Don't fall in love with 'em. Drop 'em if it doesn't work. You have to be a realist."

Regardless of the situation, Miller encourages other business owners to give back. He likes to quote fellow Vermont philanthropist J. Warren McClure, who died in 2004: "If you can't give a dollar, you'll never give a hundred."

"Give what you can," Miller said. "We have an obligation. There are many, many, many needs. And you can have a lot of fun doing it."

HEALTH CARE REFORM

Mr. KERRY. Mr. President, I wanted to take this opportunity to share with my colleagues an especially poignant and meaningful column that appeared in the Boston Herald last week by Wayne Woodlief honoring the efforts Senator EDWARD M. KENNEDY has made to enact legislation to provide health care for all Americans—and looking forward to his leadership on this issue. As Senator KENNEDY recently said "It is painfully obvious that our health care system costs Americans too much, costs employers too much, denies too much needed care and leaves out too many Americans." He is right. We need to take immediate action next year to reform our health care system. I look forward to working with Senator KENNEDY to enact broad reform of our health care system to help every American gain access to high-quality, affordable health care.

I ask unanimous consent to have the column to which I referred, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BARACK OBAMA, LISTEN TO DR. TED

(By Wayne Woodlief)

Now's the time for President-elect Obama and Congress to seize the moment and enact health care for all Americans. ASAP.

Sen. is pressing a new strategy—shaped in bipartisan meetings—for one consensus bill that can be moved swiftly through the Senate and the House, perhaps even in Obama's first 100 days.

Kennedy has courted and listened to allies on both sides of the aisle. Sen. Mike Enzi (R-Wyo.), ranking Republican on the Health Care Committee that Kennedy chairs, is working with Teddy. And Senate Finance Chairman Max Baucus (D-Mont.) weighed in this week with his own ideas on health care; ideas that look a lot like Kennedy's and like the Massachusetts universal coverage law that Teddy touts as a national model.

Kennedy said Baucus' White Paper "brings us closer to our goal." Especially since the finance committee has to find a way to pay for a law that would cost billions, yet help tens of millions of struggling citizens, many without jobs now, pay their health care bills.

That is different from the early 1990s when then-Chairman Daniel Patrick Moynihan's opposition doomed health care reform championed by Kennedy and the Clintons.

And Obama—though treading carefully—said recently that health reform is "priority number three," right after the economy and energy independence, adding, "I think the time is right to do it."

Amen. Passage of universal health care would be the capstone on Kennedy's legacy. And Obama owes him. The passing of the Kennedy torch to Obama by Teddy and niece Caroline just before Super Tuesday was a turning point in Obama's path to the presidency. He also owes it even more to all those people to whom he promised relief.

In last Sunday's Washington Post, Kennedy wrote, "it is no longer just patients demanding change. Businesses, doctors and even many insurance companies are demanding it ... The cost will be substantial, but the need for reform is too great to be deflected or delayed."

For those who would say, "That's just a liberal talking," hear this:

David Blumenthal, director of the Institute for Health Policy for the Partners Health Care System and an Obama adviser, said, "Some of the largest corporations in America are struggling to compete in the world marketplace because of high health care costs."

Rick Umbdenstock, president and CEO of the American Hospital Association, said the economic turmoil, coupled with health care's high costs, "will likely mean the loss of jobs and employer-related health coverage ... and possibly even diminishing access to health care services."

Nancy Nielsen, president of the American Medical Association, said, "The cost of doing nothing is much higher than the alternative"—the scuffling to pay for good care, including preventive care, and dooming millions to "live sick and die younger."

These aren't socialists. These are people who work with health care daily and know the crisis it is in.

Kennedy has worked behind the scenes to craft health reform since Memorial Day, by phone, by e-mail and even by face-to-face meetings despite his illness. He's back in Washington, and he's not slowing down.

As soon as Obama takes that oath that Kennedy's slain brother took 48 years ago, he should start preaching and working for health care for all. And Congress, which Ken-

nedy has served for so long, should do it for Teddy—and for the American people. It's time to strike while those stars are aligned.

SPACE

Mr. ALLARD. Mr. President, I wish to address the report to Congress of the Independent Assessment Panel on the Organization and Management of National Security Space, which was released on Tuesday, September 16. The Institute for Defense Analyses, led by Mr. A. Thomas Young and a team of six qualified and experienced experts, undertook this project to provide the Congress with a comprehensive assessment of the state of our national space policy, especially as it relates to our national security and our position as the global leader in space.

I raised concerns in 2006 when then-Secretary of Defense Donald Rumsfeld suggested that the commander of Air Force Space Command, based in Colorado Springs, should be downgraded from the four-star level to three stars. I reminded the Secretary that space is critical to our Armed Forces; that nearly every military operation we carry out makes use of assets in space in one way or another, be it using our satellites to locate the position of the enemy, providing instant communications, or gathering dependable intelligence. I was pleased the Pentagon opted not to institute this troublesome proposal.

Following this episode, I authored legislation in the 2007 Defense authorization bill to establish a new space commission, similar to the 2001 Commission to Assess U.S. National Security Space Management and Organization. I wanted an independent panel of space, intelligence, and military experts to study, analyze, and make recommendations to the Congress on the current state and future vision of America's national space agenda. This review began last fall, and I am pleased that it was completed in a timely manner.

The panel began their report articulating what I have always understood to be true, that U.S. leadership in space is paramount to the preservation of our national security. It is key to our lasting ability to ward off modern and unexpected threats against our homeland or our allies and essential to maintaining our economic superiority in the ever-changing information age. Most importantly, the report reinforced that space-based technology is essential to our intelligence gathering and warfighting capabilities. As such, according to the panel, and I agree, updating and modernizing our national space policy and its related personnel structure must be a top priority. America's willingness and capacity to continue to lead in space provides our Nation with a priceless strategic advantage that will pay dividends for generations to come.

As a result of their extensive research and thorough investigations,

the panel uncovered what they believed were fundamental structural and organizational flaws with the Federal Government's space sector. Such flaws include major management problems, poor communication among and between involved agencies, a lack of proper oversight and direction, a lack of expert professional personnel, and a host of others. The panel also recognized a scary reality—space technology is rapidly proliferating to all corners of the Earth, and America is not keeping up with its space competitors. This proliferation, combined with our space industry bogged down by aging legacy space projects that take vital resources away from newer, more modern projects, has taken its toll on our competitive edge with China and other emerging nations.

Although some of these and other deficiencies were recognized and exposed by the 2001 Space Commission, drastic measures to adequately deal with the problems uncovered were not proposed and undertaken. This panel, however, took an alternate route and recommended bold proposals to redirect and radically improve our national space agenda. The panel recommends, and again I agree, that America needs a top-to-bottom overhaul to restore the vitality of our space programs and regain and sustain the competitive advantages afforded the United States by our preeminence in space. In no uncertain terms, the panel outlined a bold new vision for the future of America's role in space. It laid out four suggestions of significant substance to restructure our approach to space and realign our defense, intelligence, and commercial priorities as they relate to space.

First, it calls for the President to create and implement a truly national space strategy. The President should announce to the American people that he is updating and modernizing America's space program immediately and elevating its priority status to the top tier of the national agenda.

The panel recommends the President reestablish the National Space Council in the Executive Office of the President, under the leadership of the National Security Advisor, to implement the new strategy and coordinate its activities with the Department of Defense, the intelligence community, NASA, and other responsible agencies. This will provide one of the President's top advisers with the power to assign responsibilities, set priorities, and break through the barriers to cooperation that have stymied progress on key space programs in the past.

Second, the panel believes that no one is really in charge of the national space agenda. They discovered that in the midst of so much bureaucracy and competing authorities, regrettably there has been no one at the helm. This needs to change.

The authorities and responsibilities for all Government space programs are spread widely throughout the Pentagon

and within various intelligence agencies. Therefore, the panel recommends the creation of a National Security Space Authority that will be responsible to the Secretary of Defense and the Director of National Intelligence. The proposed arrangement is needed to remedy the ruinous deficiencies in the current system, including the frequent inability to reconcile budget priorities and the common failure to ensure that innovative acquisition program requirements are affordable and integrated across military and intelligence space domains.

Third, the panel recommends to strip the National Reconnaissance Office and the Air Force Space and Missile Systems Center of their status as traditional, independent entities and incorporate their personnel and functions, as well as the functions of other parts of the Air Force Space Command, into a single National Security Space Organization. Under unified leadership, this organization could allow all the space experts to work more effectively together. The panel recommends this path because it most effectively utilizes the scarce talent available to achieve our Nation's goals in space. Under this type of organizational structure, the Government's space management team can focus on installing best engineering and acquisition practices, including early systems engineering and cost estimating. I am not sure I agree yet with this recommendation, but I think it does warrant serious consideration by the Congress.

It is true that the continual problem of space acquisition program delays, cost overruns, and cancellations has drained resources and caused America to rely heavily on satellite constellations that have matured beyond their original design lives. This is simply unacceptable, and I think the panel is correct when they say that small modifications to the status quo, which have been proposed time and again in the past, are not enough. A new and innovative organizational structure is a good idea, but the details of the panel's third recommendation need to be vetted before I can lend my full support.

Finally, the panel suggests that the intelligence community and each of the military branches adopt and execute strategies for identifying, selecting, educating, training, and managing a sufficient number of Government experts and professionals to support the country's space acquisition obligations. The careers of these space acquisition and technical professionals should be designed and administered so that they can provide continuity for the execution of long-term projects, while remaining eligible and competitive for career advancement.

It is unrealistic to expect that we can modernize our space strategy and succeed in developing complex space systems without enough technically capable and sufficiently experienced Government scientists, engineers, and acquisition experts that are immersed in

the space arena and assigned to see projects through to completion. These types of professionals are critical to the success of our future endeavors in space.

Throughout my time in the Congress I have fully supported science-related education. This support includes space, defense, and national security studies as well. For example, I have supported funding requests for the Center for Space and Defense Studies at the U.S. Air Force Academy. The mission of this center is to build and define space policy studies curriculum for the undergraduate cadets. I have long supported the Center for Geosciences and Atmospheric Research at my alma mater, Colorado State University. This center is a national resource for the Department of Defense in the areas of atmospheric and hydrologic research, which are both critical to our national security.

America needs more engineers, physicists, rocket scientists, mathematicians, and the like. We need them now and in the coming decades more than we ever have in the past. The future of our national security and defense capabilities rests with our ability to recruit, train, and equip more and more Americans with the critical knowledge and know-how of the hard sciences. The first step is making this type of education a top national priority, and it is my hope that America's future leaders will do so.

Mr. President, I appreciate all four and fully support three of the panel's suggestions for the improvement of our national space strategy. In my opinion, if we fail to act on these recommendations, we face the possibility that our preeminence in space will erode to the point at which we will no longer enjoy a significant competitive national security advantage in an all-important global arena.

Along with the American people, I am indebted to the panel for their hard and thoughtful work on this study. Their discoveries and suggestions for improvement are invaluable. It is my hope that the next Congress and the next administration will take a serious look at this study and craft an aggressive and coherent strategy for America's future presence in space.

COLORADO DRUG INVESTIGATORS ASSOCIATION

Mr. ALLARD. Mr. President, throughout the past 3 years the Colorado Drug Investigators Association, DIA, has united peace officers and other professionals who share a common interest in illegal and illicit drug enforcement. Through the leadership of State president Ernest Martinez, State vice president, Jerry Peters, regional vice presidents David Arcady, Rick Needham, Brian Roman, Rob Pride, Kevin Hathaway, at-large members Janelle Crain, Mechele Berge, Sandra Evans, Rick Millwright, Gary Graham, Kelly Horton, Jim Welton, Francis

Gonzales, and Ron Hollingshead, the Colorado Drug Investigators Association continues to unite into one organization all Colorado peace officers and individuals committed to protecting the State from all drug-related crime. This organization provides comprehensive counternarcotics training for all members in all aspects of drug enforcement and continues to educate and recommend legislation favorable to effective drug enforcement in Colorado. It recognizes the critical importance of information exchange and actively facilitates this communication between members of the association on the movements of drug violators and new and innovative techniques used by either the criminals or law enforcement.

In addition, the Colorado Drug Investigators Association, through cultural, legislative, political, fraternal, educational, charitable, welfare and social activities, fosters an atmosphere of cooperation and information sharing among all law enforcement in Colorado, private industry and the public. I believe the CDIA represents a valuable tool in the fight against drug-related crime and express my appreciation to all association members for their commitment to the safety and security for the citizens of Colorado.

LABOR DAY

Mr. ROCKEFELLER. Mr. President, Labor Day is our opportunity to celebrate the millions of American workers who have given, and continue to give, so much of themselves to make our Nation great. I am happy to have had the opportunity to celebrate this Labor Day in Racine, WV, with many old friends. Today, on the holiday especially devoted to the social and economic achievements of the American workforce. I would like to thank all of the miners, teachers, nurses, service technicians, firefighters, police, repairmen, and all those who dedicate their lives to making their communities and their country a better place. As summer is winding down and children are preparing to go back to school, we should all take a moment to appreciate what working Americans do for us.

Honest, hard-working people, with the core American values of faith and family, are what make West Virginia such a wonderful place to live and call home. Miners work long shifts, miles under the ground, often in tight spaces with frigid water up to their knees, to get the coal that provides 50 percent of our Nation's electricity. Yet people rarely think of that when they flip on the light switch. Teachers spend much of their own personal time preparing lesson plans and finding creative ways to teach our next generation. They always go above and beyond the call of duty for their students. Those in public service work day in and day out to get Social Security checks processed and in the mail on time, to manage tax returns, or to deliver basic health services to our citizens. I applaud each and every one of these Americans.

I am glad Congress succeeded, finally, this year in raising the minimum wage to \$6.55, to help our working families. Increasing the minimum wage so it is a living wage is something I have advocated since 1998, and now all of our workers will get the increase they need and deserve to help make ends meet in this struggling economy. This Labor Day I am especially aware of the need to change the direction of our country and that has to start with turning around our economy. It is unfair for hard-working Americans to have to deal with stagnant wages and rising costs for gas, food, and health care with no help. The minimum wage will continue to rise until it reaches \$7.25 in 2009.

These workers are the heart and soul of West Virginia. Opportunities do not come easily to them. They work hard every day to get the things they need for their families—gas, school supplies, and maybe new sneakers or a pair of jeans for the next school year. Before the rise of unions, we did not enjoy a 40-hour work week, the benefits of Social Security, or the right to organize. But West Virginians always fought for the American dream. They have a high regard for quality and strive for excellence in everything that they do. In an unfortunate Forbes survey, West Virginia was listed as one of the least desirable states in which to do business. But that is only because some companies do not yet know the men and women that make up West Virginia's workforce; they do not realize that West Virginia's future and potential is about more than just coal. They do not see the small business owners, the nurses and doctors, the educators, the entrepreneurs, the manufacturers, and artists who keep our State moving and make it so special. They must not have heard that companies from all over the world such as DuPont, Union Carbide, and Phone Poulenc have put plants in West Virginia and tapped into our dedicated work force. Northrop Grumman, MPL Corporation, Orrick, Herrington, and Sutcliffe, that's the real West Virginia—with a bright future fueled by all its abundant resources, the most precious of which are the men and women of our workforce. Our Toyota plant is the fastest growing plant in the history of Toyota Motor Company. It has been named the plant with the most productive workers in all of North America 5 years in a row. This is a testament to West Virginia employees' unmatched work ethic.

As we celebrate Labor Day, we need to remember that it is the commitment and diligence of our workers that makes us great. We as West Virginians are fighters, always have been, always will be, but even fighters need a day off. West Virginians have earned a day of rest.

TRIBUTE TO BRENDAN O'CONNOR

Mr. KENNEDY. Mr. President, as we continue to debate national strategy

and the way ahead in Iraq and Afghanistan, there is one thing that is not debatable, and that is the courage and valor of our troops. Today, I wish to honor one of those brave troops, MSgt Brendan O'Connor, a medic in the Special Forces of the U.S. Army.

Master Sergeant O'Connor distinguished himself by extraordinary heroism in action during a fierce battle in Kandahar Province, Afghanistan, when his small detachment engaged an estimated 200 Taliban fighters on June 24, 2006. For his heroism, Master Sergeant O'Connor, who held the rank of sergeant first class at the time of the battle, was honored with the Nation's second highest award for valor, the Distinguished Service Cross.

After awarding the Distinguished Service Cross to Brendan, ADM Eric Olson, the head of U.S. Special Operations Command, hailed the contributions of the Army's Special Forces and said, "Master Sergeant Brendan O'Connor exemplifies the spirit of these warriors."

Leading a quick reaction force during a mission against Taliban leaders, Master Sergeant O'Connor and his team found themselves outnumbered and surrounded by hundreds of Taliban fighters in one of the most hotly contested areas of Afghanistan. After calmly maneuvering his force through enemy Taliban positions, Master Sergeant O'Connor crawled over 150 yards alone through enemy machine-gun fire across an open field to rescue two wounded comrades. Rallying and motivating his severely outnumbered team throughout a day-long battle, he saved the lives of 21 soldiers and prevented his detachment's destruction while inflicting heavy casualties on the enemy.

The heroism of Brendan O'Connor and his team in Afghanistan received national media attention on the CBS News program "60 Minutes," which aired a segment on April 20 of this year, "Ambush in Afghanistan."

Brendan O'Connor comes from a long and distinguished family history of military service to our Nation, with deep roots in the U.S. Army and at West Point. Brendan's father, LTC Mortimer O'Connor, who graduated from West Point in 1953, was killed in action in Vietnam in 1968 while leading men into battle as commander of the 1st Battalion, 2nd Infantry, in the famed "Big Red One," the oldest continuously serving division in the U.S. Army.

A true "warrior-poet", Mort O'Connor was not only decorated several times for valor on the battlefield, but taught English at West Point and earned a graduate degree in English literature from the University of Pennsylvania. A remembrance of Mort O'Connor in a March 1978 West Point Alumni publication recalled his spirit on the athletic fields as a young cadet:

When victorious he would exultantly claim to be descended from ancient Irish warrior kings. And it may be true, for he had in him a wild romanticism, a tragic lilt of heart, which only the Irish have.

Brendan O'Connor's grandfather, and Mort O'Connor's father, was BG William "Bill" O'Connor, a graduate of West Point in 1924. Bill O'Connor served in Europe in World War II, including in the Battle of the Bulge.

And three of Brendan's great-uncles followed their brother Bill to West Point—Richard O'Connor in the Class of 1926, George Brendan O'Connor in the Class of 1936, and Roderic O'Connor in the Class of 1941.

Today, the O'Connor family tradition of military service continues with the next generation. Attending his Distinguished Service Cross award ceremony on April 30th were two of Brendan's cousins, Brian O'Connor, who is now at the Air Force Academy, and Rory O'Connor, who is now at West Point.

We are grateful to families such as the O'Connors, who for generations have answered the Nation's call and worn the uniform with such courage and distinction. There is no finer example of this tradition than MSgt Brendan O'Connor and his heroic action in Afghanistan. I ask unanimous consent to have the full text of his Distinguished Service Cross citation, as well as the narrative that accompanies the award, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITATION TO ACCOMPANY THE AWARD OF THE DISTINGUISHED SERVICE CROSS TO SERGEANT FIRST CLASS BRENDAN W. O'CONNOR

For extraordinary heroism in combat as the senior Medical Sergeant for Special Forces Operational Detachment Alpha-765 in support of Operation Enduring Freedom in Panjwai District, Kandahar Province, Afghanistan. On 24 June 2006, during Operation Kaika, Sergeant O'Connor led a quick reaction force to reinforce a surrounded patrol and to rescue two wounded comrades. He maneuvered his force through Taliban positions and crawled alone, under enemy machinegun fire to reach the wounded soldiers. He provided medical care, while exposed to heavy volumes of Taliban fire, then carried one of the wounded 150 meters across open ground to an area of temporary cover. He climbed over a wall three times, in plain view of the enemy, to assist the wounded soldiers to cover while bullets pounded the structure around him. Sergeant O'Connor assumed duties as the detachment operations Sergeant and led the consolidation of three friendly elements, each surrounded, isolated, and receiving fire from all directions. His remarkable actions are in keeping with the highest traditions of military heroism and reflect distinct credit upon himself, the Combined Special Operations Task Force-Afghanistan, Special Operations Command-Central, and the United States Army.

NARRATIVE TO ACCOMPANY THE AWARD OF THE DISTINGUISHED SERVICE CROSS TO SERGEANT FIRST CLASS BRENDAN W. O'CONNOR

Sergeant First Class Brendan W. O'Connor, United States Army, distinguished himself by extraordinary heroism in action as the Senior Medical Sergeant for Special Forces Operational Detachment Alpha-765 in support of Operation ENDURING FREEDOM. On 24 June 2006, while conducting Operation KAIKA, a cordon and search mission to capture or kill Taliban leadership in Pashmul, Panjwai District, Kandahar Province, Afghanistan, the detachment became engaged

with an estimated 200 Taliban fighters. MSG Thomas Maholic led a patrol from the detachment's perimeter to secure a compound situated on key terrain. As the assault began, a large Taliban force counterattacked, flooded the battlefield, and immediately separated the assault element from SSG Matthew Binney's support by fire position, creating two distinct detachment elements outside the perimeter, each isolated, surrounded, and receiving enemy fire from all directions. SSG Binney and SGT Joseph Feurst were seriously wounded at the support by fire position. SFC O'Connor volunteered to lead a quick reaction force to reinforce MSG Maholic in the compound, and recover the two wounded soldiers. SFC O'Connor departed the detachment's perimeter under heavy enemy fire, with SFC Mishra, eight Afghan soldiers and an interpreter. By employing fire and maneuver, SFC O'Connor destroyed an enemy machinegun position, broke out from the encircled patrol base, and evaded enemy fighters that were now swarming toward the compound. After link-up with MSG Maholic, SFC O'Connor was directed toward the support-by-fire position. He led his small relief force along a wall that provided cover from the heavy volume of machinegun and rocket-propelled grenade fire, as they evaded attackers and broke out from the encircled compound. At the end of the wall, he encountered an open field, 80 meters across to a small building, which was the next available covered position. The flat field was covered by enemy grazing fire from three directions. He established a support-by-fire position to suppress enemy machinegun fire and began to crawl, alone, across the field, leaving a third isolated element amid the chaos of the battlefield. Afghan soldiers attempted to follow him but turned back under the extraordinary volume of fire. As bullets impacted all around him and cut the grass directly over his body, he quickly realized that his cumbersome load was creating too large a target for the enemy. He returned to the cover of the wall and removed his body armor and assault pack. Informed that Apache gunships were en route to strafe the area he was attempting to crawl through, SFC O'Connor attached an orange panel to his back in order to mark himself as a friendly element to the pilots. Without hesitation he immediately resumed crawling the 80 meters across the field, in plain sight of the enemy, toward his two wounded comrades. He moved slowly, just inches below the enemy fire, miraculously escaping injury from hundreds of Taliban machinegun rounds. He jumped over a wall into a vineyard and moved forward along mounds of dirt, with bullets impacting all around him each time he exposed himself. He continued moving alone, for 150 meters, yelling for SSG Binney. Once again, he evaded enemy fighters that were as near as 3 meters, and were firing over a wall and shouting insults and threats at the surrounded position, and made contact with his wounded teammates. SFC O'Connor fought with his personal weapon, performed life-saving measures on the two wounded soldiers in the open, exposed to enemy fire, shielding the casualties from debris and shrapnel with his own body, and gave instructions to begin the evacuation. As an Afghan soldier assisted SSG Binney, SFC O'Connor picked up SGT Feurst and began carrying him, unassisted, back to the cover of the small building 150 meters away. He dodged rocket-propelled grenade and machinegun fire, while methodically maneuvering from one covered position to another, without the benefit of his protective body armor, carrying the unconscious SGT Feurst. He climbed over a two meter high wall, into the building, as bullets pounded the wall all around him. The fright-

ened Afghan soldiers were unable to assist in lifting SGT Feurst over the wall, which required SFC O'Connor to climb back over the wall in the face of heavy, accurate, enemy fire. He lifted and pushed SGT Feurst over the wall, assisted SSG Binney over by offering his own body as step, and climbed over a third time himself, while a storm of bullets began disintegrating the structure around him. As Apache gunships suppressed the enemy, SFC O'Connor led the group from the surrounded building, while still under fire, back toward the quick reaction force. He then led his entire force back toward MSG Maholic's compound. He engaged enemy fighters and broke through to link up with the last of the isolated elements. Inside the compound, he learned that MSG Maholic had been killed. SFC O'Connor assumed duties as Detachment Operations Sergeant and continued coordinating the defense of the compound against renewed Taliban attacks. He supervised all medical treatment of the casualties, coordinated the medical evacuation flight and organized the movement of ammunition from the resupply aircraft. After nightfall, under SFC O'Connor's leadership, the group broke out once again from their isolated location and moved undetected through Taliban positions to reunite all friendly elements at the detachment's patrol base. SFC O'Connor's extraordinary actions, performed at tremendous risk of life, successfully rescued two wounded comrades, saved the lives of 21 soldiers, and prevented his detachment's destruction. He consolidated four friendly elements, each isolated and surrounded by an aggressive, numerically superior, and well armed enemy force during the confusion of combat, and brought all soldiers to safety. The heroic accomplishments of Sergeant First Class Brendan W. O'Connor reflect great credit upon himself, the Combined Joint Special Operations Task Force-Afghanistan, Special Operations Command-Central, and the United States Army.

TRIBUTE TO LINDA LONG

Mr. ALEXANDER. Mr. President, I wish to recognize a former staffer, Linda K. Long, for her wonderful contributions to my office and to the State of Tennessee.

Linda began her career with Senator Fred Thompson in 1995 and joined my staff on January 21, 2003, where she soon distinguished herself as one of the best constituent services representatives in the State of Tennessee.

Linda was a wealth of knowledge when it came to working with constituents and their problems. Although she took a very "no nonsense" approach to her job, she was very compassionate and always made time to listen to constituents and console them even if she could not help them with their issue.

Linda is loved and respected by people throughout west Tennessee. In fact, she served two terms on the Madison County Commission from 1994 to 2002. There is no doubt that Linda went above and beyond to help all constituents. She was tough, but fair, and always had time for anyone who asked for assistance through my office. Linda retired on February 29, 2008, and we miss her already.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed from June remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I was/am in full support of your GPRA Energy Legislation. You were right on. Please continue to fight for energy independence for Idaho and the U.S. This is essential to our national security and prosperity. It is never too late to do the right thing (even if we should have done it ten years ago). Please keep the pressure to allow Congress to vote on crucial energy legislation. We deserve to know how our Congress stands/votes on important issues like this. I am also in favor of the President calling an emergency session of Congress to pass energy legislation. It is that important.

Drill here, drill now, pay less.

TERESA, Twin Falls.

Since July 11, [2008,] crude oil prices have declined over 16% yet gasoline prices at the pump have remained steady. When is Congress going to start putting real pressure on the oil companies to stop gouging the American consumer? If Congress wants to turn the economy around, then start by addressing energy prices. The oil companies raised gas prices as crude oil prices escalated but there is no indication that the reverse is true as crude prices continue to come down. Enough is enough.

GALYN.

You have expressed a desire to hear of our experiences and hardships with the rise in gasoline prices. I have a daily routine when I get to work. I get online and check for recent news on gasoline prices and so forth. The next thing I do is check on local gas prices by utilizing Mapquest.com. It is severely disappointing to see that our eastern Idaho gasoline prices have stabilized at \$4.12 a gallon when the national average is below \$3.90 a gallon, according to a recent yahoo.com article. Be that as it may, \$3.90 is still a harsh amount. This has become a pain not only economically but domestically as well. Between my wife and I for the last month and a half, there has been strife about our finances and being able to afford the next meal, the bills, and all that we wish we could do to make an advance in finances. Colleagues and friends would argue the same

domestic problems. So you see that this problem is not only hurting America economically but socially as well.

I have done my part in decreasing the amount I drive and the amount of times I fill up on gasoline but this can only go so far. I bought a scooter back in June just before gasoline prices hit \$120 a gallon and it has saved a percentage of what we would have spent on filling our car. Americans are aware of the problem and doing what they can with reservation to consequences that may arise in their conservation efforts. The question is not "what should Americans do to avoid the high prices in gasoline?", rather; the question is "Why is the American government not making a reasonable effort to free its people from economic desperation?"

Start drilling now; let us build up a reserve and release the current one, let us start looking for alternatives and renewables. Our understanding will progress as the science behind these progresses.

Sincerely,

MICHAEL, Rexburg.

Since I do not have unlimited income (I am an underpaid Idaho teacher), or someone paying my fuel bills, the rising cost of gas and diesel is taking spending money out of our pockets and into our tanks since we need to drive to perform many daily activities. We also spend less at other retailers since the money went for fuel. We also get less for the same dollar at the store since the price of goods has gone up due to the rising costs of shipping using diesel fuel which is the most expensive and should be the cheapest since it costs less to make and comes off first in the processing of crude oil to fuel. When we spend less the retailers get less and it becomes a vicious circle. Let us start using our own oil and uncap the wells in our country just sitting there. The wildlife will be just fine in Alaska and elsewhere as long as we are careful while drilling and transporting the oil. We need to quit fueling the Arab terrorist groups by buying their oil at inflated prices or at all. Do not tell me the Saudis are our friends. The only thing they like about us is our money.

MEL, Post Falls.

Why do not the forces to be work together to get this solved—or is there no representation for improving the energy quantity?

JIM.

We received an email at work stating that you would like to know how we felt about high energy prices, along with ideas on how to improve the situation. The energy prices are a nuisance to me. I can handle the \$50 per week it takes me to get to and from work. What concerns me are my neighbors who may be on the edge, or who need gasoline to make a living (trucking, farming, construction).

To me the solution seems simple. Increase the supply. Let us drill in ANWR. A vast majority of Alaskans favor the proposition. We could do so in an environmentally responsible way. Let us drill in the area between 50 miles and 200 miles off the coast in those areas where the population is for it. I understand in Virginia, most are in favor of it. I understand that we are the only country that prevents its people from doing this. And, by the way, why have not we opened a refinery in the last 25 years? Many say that even if we drill in ANWR, we will not see any oil for 10 years. That may be, but if we had acted 10 years ago, we would be reaping the benefits of it now. Besides, that might convince foreign countries who have raised their prices so much that we are serious about using our own resources and it may convince them it is time to lower prices. The solution

to energy problems is going to take leadership, not short-sighted thinking.

Also, we need to start building power plants powered by nuclear energy. A power plant that uses petroleum for its power source should no longer be allowed to be built. We can no longer afford to waste petroleum like that, nor should we pollute the air with those wastes, when we can capture and process all nuclear wastes safely.

Of course we can use solar energy including wind where feasible, but that will not solve our energy needs in the future.

We should also not use crops that we need for our food supply to produce ethanol, especially when it takes more energy to produce the ethanol than we receive from the resulting fuel. No wonder food prices are through the roof.

Some want to blame oil companies for making excessive profits. A profit of 6 to 8% does not seem excessive to me. When did it become illegal to make a profit in this country? Higher taxes will not lower the price of gasoline. Let us level the playing field and remove excessive regulations. Sure, global warming is taking place, but we are not the cause of that. It has to do with solar cycles. Spend a winter in Idaho if you want to see global warming at work. The farmers I know had to plant late this season because their fields were covered with snow. The temperature in the world decreased last year. It did not increase. Global warming is not the problem. High energy prices are crippling the economy. The polar bear population has increased, not decreased. We are being sold a bill of goods that we cannot afford to buy.

I know that the liberals are against everything I have proposed. We are opposed to their supposed solution of raising taxes. So does that mean that we have a stalemate and nothing is going to be done? We need leadership.

NORMAN, Idaho Falls.

I own a small 5-employee, garbage company that services the cities of Kuna and Melba and indeed the recent run up in diesel prices from \$3/gallon to the current \$4/gallon in the last ten months has been a major impact on my business of transporting solid waste for my small communities. I have seen my fuel bill increase by nearly \$4,000/month, a 63% increase in that time frame.

As difficult as that is for me, the run up in prices has had a major impact on my employees and their ability to come to work and this is so true for all of Idaho's employees, particularly those on the very bottom of the economic scale of which there are too many in Idaho.

I could go on longer, but you know the impact. More importantly, I think you need to hear from your constituents regarding the solutions. We need a Manhattan-style project to electrify our transportation sector of this country. We need tax incentives for production and purchase of electric vehicles.

We need tax incentives for wind, solar, lithium ion batteries and electric motors (retrofitting out current gas fleet with electric drive trains will provide a sustainable new job creation and a finance business model that will be a boon to our poor, who are being priced out of transportation, and this will be paid for from displaced fuel dollars from foreign oil purchases). We need to re-industrialize the USA to create high paying jobs in the energy sector that will give us sustainable energy so we can get out of our many oil entanglements throughout the world.

Our nation mobilized itself to re-tool its whole industrial base during WWII to create a war machine, plus provide all the oil needed to win that war in the short span of 4-6 years. In the same short time frame we have

bankrupted ourselves in this senseless oil war in Iraq. We need to understand that we need to get off of fossil fuels.

We can and we have to do better. The country needs strong leadership and I have watched you, you are a person of integrity. You can give us the leadership, even though it will not be the party line. I pray you have the courage to make a difference.

The American public deserves a choice to our energy needs and tax incentives for solar and wind energy for our homes, will take us in that direction. I know this is not consistent with the Big Business energy and automobile business model, but I think they do not see the wisdom of making hard changes, tough choices and creating our own energy future.

The whole period of deregulation we have just gone through has not been healthy for our country. Deregulation, from Enron to sub-prime lending is bankrupting our country. For the past 60 years the housing market has been stable and predictable. Deregulation has been regulation for the wealthy and well-positioned. We cannot continue to steal the hope for the middle class on the back of the rich.

There have been two major fallacies foisted on the American public. One is that tax cuts will stimulate jobs and drilling oil will reduce gas prices. The wealthy citizens of our country and the oil companies can be multi-national citizens and their allegiances are to their own wealth accumulation, just a factor of human nature.

We do not have nationalized oil, therefore oil drilling will benefit the oil companies and the highest bidders in the world market, yet the American public is led to believe, oil drilling will have an appreciable impact on our local gas prices, but indeed the nations with more wealth, able to bid and buy the commodity will benefit. We are a debtor nation, unlike China. Producing our own source of energy is critical to changing that reality.

Tax cuts given to the wealthiest of our nation, without a requirement that those tax cuts be re-invested in the USA leaves those individuals the option to take those tax cuts and invest them in the country of their choice, wherever they can get the best return, again leaving the human instinct of wealth accumulation to play out.

If we invest our tax cuts, in our own country and our own energy interests, that will create local high paying jobs, we will be investing in our own future, taking us out of the status of debtor nation.

By the way, I, as well as Warren Buffet, am in the tax bracket that was advantaged by the big tax cuts, and I and Warren Buffet have both felt we would be glad to forego those tax cuts for a strong economy.

Again, I ask that you have the courage to engage with any in congress, in a bipartisan way, who is of a like mind to take us to energy freedom. Jay Inslee the representative from Washington State is a great proponent of energy issues and a person like you, who is a person of integrity. I pray that our representatives in Washington will have the sense of urgency required to take the bold steps needed for the American People.

As well, I might suggest, your staff get the hearing minutes from a Senate hearing held this week on the energy grid where T. Boone Pickens gave testimony where he stated "we cannot drill our way out of our current energy crisis" proposing wind energy as a major part of the solution. It was a very enlightening hearing.

Thank you for your concern for the plight of your constituents.

TIM, Kuna.

As a person living on a fixed income, I find that the soaring costs of energy in all forms

are creating a considerable burden on me. With gas at \$4 per gallon, the cost of everything is sky rocketing.

The U.S. is being held hostage by two bit dictators in the energy market. And it is unnecessary. We are a country that put a man on the moon over forty years ago, yet we have not found ways of using our abundant coal resources in an environmentally safe manner, and I am not seeing anything being done about it. Why?

We spend hundreds of billions on foreign oil imports yet we allow a few vocal nuts to keep us from developing our own resources. We must tap the oil in the Alaska Wildlife Reserve. Contrary to their claims, oil production and wildlife are not incompatible. The noise and bustle of drilling will cause the animals to leave temporarily, after the drillers leave and the pumps and pipelines are in place they will return.

We are often told that the lack of refinery capacity is also a cause of high gas prices. How many new refineries are currently under construction? How many are planned? When was the last completed?

ALFRED, Twin Falls.

I wrote a response to your email about energy yesterday and as I sat here another issue presented itself to me. This is on a community level. My wife and I (with bad forethought) bought The Roxy Theatre in Cascade. I say the above because now many people do not have the extra money to spend seeing movies or plays or concerts. Now after two years, seeing my available credit shrink, and energy costs of my theatre go up, I am looking at hard choices. I have chosen not to hire employees back. This further hurts the overall economy as there are 4 people who now have to find jobs. I have tried, but I cannot find a way to end this bleeding. The power company asked and got two very large rate hikes. Why are we spending almost 2/3 of all the fuel refined in the USA making power for the grids? We have been cut in the heel by a very small but loud group of people who say we should have no more reactors in the USA. Enough—the good of the few do not outweigh the good of the many. We have always been a nation formed on that. From my grandfather to my dad to my service in the military, I know that. I have served for the good of the many. I am still a police officer for the good of the many. It is sure not for the pay. I read bills all of the time that you all are debating on the Hill. I laugh; we spend millions of bucks to help out some performing arts center in New York. I provide the same arts to Americans too. I guess we are too small in Idaho or Cascade, I should say. We could all sit around and cry the blues, but nothing gets done. I put on my uniform 4 days a week and my theatre clothes 7 days a week, 364 days a year. I do this because it is for the good of the many. [I think earmarks should be allowed for projects that provide for the good of the many and my theatre would qualify for assistance.] You, sir, are elected to serve. I hear it just as much as you do. I do not mean that I am your boss. I mean we put you there because we feel you can fix it. I feel, given the responses you have seen, that Idaho's gems have given you the ways to fix the problems you asked about. We have to all give something up. Again, I have not asked you to put me on a spending bill for aid to my 1939 theatre that I am sure will not make it through the year. The small business will not make it that long. When something big happens to this country, everyone asks for federal aid. Major snowstorms happen here, and it is not even reported. Four inches of snow in Florida and every news channel is calling it a disaster. We want this fixed before there is not debate about it. . . It will

be a disaster that no one will have thought could happen. Many politicians say all of the time small business is the backbone of the USA. We are all hurting in this town. We are all getting close to going under. No joke, come up here, I will buy you a movie. I'll show you around like when the mill closed in 2000. We are on the threshold of something very bad. Thanks for your time, I know like me you do not have much to spare.

JASON, Cascade.

PAYMENTS TO RADIO HOST

Mr. GRASSLEY. Mr. President, several years ago, I started looking at the financial relationships between physicians and drug companies. I am doing this because I am concerned that there is very little transparency on this issue. I have also learned that the little transparency that does exist is not being enforced or is being enforced inconsistently.

For instance, the National Institutes of Health requires researchers to report outside payments to their institution if they receive a grant from the NIH. But I have learned that some researchers are failing to properly report this money.

Recently, I examined payments from pharmaceutical companies to a professor of psychiatry at the University of Cincinnati. I found out that she was not reporting tens of thousand of dollars in outside income.

I then looked at a group of the world's most prominent child psychiatrists, in particular, three researchers at Harvard who have taken millions of dollars from the drug companies. These doctors are funded by several NIH grants, but they were not reporting all of their money from the drug companies as required by NIH regulations.

I then discovered a department chairman at Stanford who founded a company that was seeking approval from the Food and Drug Administration to market a drug for depression. The NIH is funding some research on this drug which was being led by this same Stanford scientist. Because there were some obvious conflicts with this situation, the NIH recently forced Stanford to pull this professor off the grant.

I also sent letters to the University of Texas and Emory University about researchers at their institutions.

I would now like to discuss another troubling aspect about the lack of financial transparency in medicine.

"The Infinite Mind" is a radio show that is independently produced but runs on over 300 public radio stations. It is possibly the most authoritative program on psychology and neuroscience in America. This show has won over 60 journalism awards. According to a biography of the show's host, it has an audience of over half a million people.

Back in my home State of Iowa, "The Infinite Mind" is broadcast on most Sundays, early in the evening. My guess is that thousands of Iowans tune in. According to its own website, "The Infinite Mind" prides itself on its

"independence." But there may be some problems with their financial transparency.

Last May, a couple of reporters for a news site called "Slate" wrote about an episode of "The Infinite Mind" called Prozac Nation: Revisited. During this episode, three guests on the show discussed problems with antidepressants. After listening to a recording of the show, it appeared to me that the real effect of this particular episode was to undercut any criticism that antidepressants might be linked to an increased risk of suicide. This is an issue I tackled a few years back.

Maybe these three guests felt that there really is no problem with antidepressants. But a large number of experts believe that antidepressants may be associated with an increased risk of suicide, particularly in kids. In fact, last March, two months before this show aired, Britain's Medicines and Healthcare Regulatory Authority MHRA, concluded a 4 year investigation of the antidepressant, Paxil. That report found that GSK had been aware since 1998 that Paxil was associated with a higher risk of suicidal behavior in adolescents.

Now don't get me wrong, experts on public radio have a right to express their own opinions. However, I am concerned that the host of "The Infinite Mind" never pointed out that all three of the show's guests had strong financial ties to the pharmaceutical industry.

That is right. Every one of them. And this was never mentioned during the program or by the guests who appeared.

What listeners also never learned is that the host of "The Infinite Mind" has his own ties to drugmakers. When a show runs on National Public Radio, NPR, doesn't the public have a right to know where the show's host gets his money?

The host of "The Infinite Mind" is Dr. Frederick Goodwin, who I am told, is one of our country's leading experts on bipolar disorder. In fact, he has written the definitive textbook on bipolar disorder. He is now an adjunct professor at George Washington University Medical Center and was formerly the director of the National Institute of Mental Health.

But what you would never know about Dr. Goodwin is that he is also a paid spokesman for several drug companies. Now, I don't know how much money Dr. Goodwin actually receives from all the drug companies, but based on documents my office has received from GlaxoSmithKline, I do know that GlaxoSmithKline pays him around \$2500 for every talk he gives on treatments for bipolar disorder and depression. These talks concerned several drugs such as Wellbutrin, Eskalith, and Lamictal.

Based on documents that my office received from GlaxoSmithKline, Dr. Goodwin gives these talks to doctor groups around the country. So far this

year, Glaxo reports that the company paid Dr. Goodwin over \$130,000 for over 50 different talks. Of course, Dr. Goodwin may be making more money from other drug companies, but I only asked GlaxoSmithKline for their information. I do know from a scientific paper that Dr. Goodwin published that he has also given talks on behalf of Pfizer, Solvay, Janssen, Eli Lilly, Astra Zeneca and Bristol Myers Squibb. And he has served as a consultant for many of these companies, as well.

In fact, Dr. Goodwin was very busy the week that the episode of Prozac Nation: Revisited started airing last March 26. GlaxoSmithKline's records show that the company paid Dr. Goodwin for several talks he gave that week on bipolar disorder and Lamictal.

In fact, records show that he gave around eight talks at \$2500 each, bringing him around \$20,000 in payments. Several of the talks were done by teleconference, but Dr. Goodwin also spoke about Lamictal at Fleming's Prime Steakhouse in Birmingham, Michigan and the Rosebud Steak House in Schaumburg, IL.

Based upon the information provided to my staff, Dr. Goodwin was also very active on behalf of Glaxo in 2005. That year, Glaxo paid Dr. Goodwin over \$300,000 in speaking fees and around \$25,000 in expenses to discuss their products. And this was the same year that he hosted an episode for "The Infinite Mind" on bipolar disorder in kids. Again there was no disclosure on the show about Dr. Goodwin's financial ties to GlaxoSmithKline or other drug companies.

Let's take this one step further. When an episode on bipolar disorder first aired on September 20, 2005, Dr. Goodwin was once again on the road for the Glaxo. Glaxo's records show that the company paid him \$2500 for a talk he gave that day on drug therapy for bipolar disorder. The talk was at Lemonia, a Tuscan restaurant located at the Ritz Carlton Golf Resort in Naples, FL.

I don't think it takes a journalism or ethics professor to figure out that listeners of a national radio show should be told about the host's financial interests. It just seems obvious. This type of information should be out in the open and transparent.

People should know that since 2000, GlaxoSmithKline has paid the host of a radio program on psychiatry over \$1.2 million in speaking fees and over \$100,000 in expenses. People should know that, based on information from Glaxo, most of these fees were paid to Dr. Goodwin through Best Practice, a pharmaceutical consulting firm that he helped establish in the late nineties. Among the many services that have been offered by Best Practice are marketing consultation, and the "dissemination of new off label information."

Now, I have already pointed out that this independently produced radio show runs on over 300 public radio stations. But it also runs on NPR's satellite sta-

tion. This got the attention of Margaret Low Smith, a vice president at NPR. She has stated that any show that runs on NPR's satellite station, and I quote, "must live up to NPR standards."

So I would like to go over some of those standards as found on NPR's own website. According to NPR's own policies, and I quote, "confidence in us as independent and fair means avoiding actual and apparent conflicts of interest or engaging in outside activities, public comment or writing that calls into question our ability to report fairly on a subject."

The policy also states that an individual covered under this code "has the responsibility to disclose potential conflicts of interest."

I think these are very fair standards on transparency, and I hope that shows running on NPR will try to live up to them in the future.

It is not my job as a Senator to screen newspapers, the evening news or national radio for my constituents. But it is my job to watch out for taxpayers' money. According to its website and promotional comments made during many of the show's episodes, "The Infinite Mind" has been made possible, at times, by major underwriting from the National Science Foundation and the National Institutes of Health.

And that is why I am sending out two letters one to the National Institutes of Health and another to the National Science Foundation.

The recently departed director of NIH has already acknowledged that they have problems with their policies when it comes to researchers not reporting outside income. I commend him for recognizing this fact. I also know that the NIH plans on changing its regulations to tighten up disclosure requirements.

But I am not certain about the disclosure requirements when the NIH helps to fund a show like "The Infinite Mind." I am going to ask the NIH to see if they require "The Infinite Mind" to disclose the money that drug companies pay to the show's host.

And I am asking the NSF to explain their policies on financial disclosure to see if they might need some changes as well.

I ask unanimous consent to have my letters to the National Institutes of Health and the National Science Foundation printed in the RECORD. I would also like to commend GlaxoSmithKline for their cooperation with the Committee and their commitment to transparency. It is greatly appreciated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,

Washington, DC, November 19, 2008.

RAYNARD S. KINGTON, M.D., Ph.D.,
Acting Director, National Institutes of Health,
Rockville Pike, Bethesda, MD.

DEAR ACTING DIRECTOR KINGTON: As a senior member of the United States Senate and the Ranking Member of the Committee on

Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Institutes of Health (NIH/Agency). In this capacity, I must ensure that NIH properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for medical studies. This research often forms the basis for action taken by the Medicare and Medicaid programs.

Once again I would like to bring to NIH's attention my concerns about the lack of oversight regarding conflicts of interest relating to the almost \$24 billion in annual grants that are distributed by the NIH. I understand that you are now attempting to change the regulations covering the extramural research program to ensure more accountability in financial disclosure. I appreciate your work in this area.

As you know, institutions receiving an NIH research grant are required to manage the grantee's conflicts of interest. I would like now to let you know that I have discovered another problem with an NIH grantee and a lack of financial transparency.

In particular, I am concerned about a radio show that discusses psychology and neuroscience called "The Infinite Mind." This show, as I understand it, is independently produced and is distributed to over 300 public radio stations and appears on National Public Radio's (NPR) satellite channel. According to this show's website and promotional comments made during several of the show's episodes, "The Infinite Mind" claims to receive major underwriting from the National Institutes of Health and the National Institute of Mental Health.

The host of the "The Infinite Mind" is research professor Dr. Frederick Goodwin. However, I have learned that while hosting this radio program, Dr. Goodwin also received substantial compensation from drug companies. In the fine print of an article he published in the *Journal of the American Medical Association* in 2003, Dr. Goodwin acknowledged that he "has served on the speaker's bureaus of Glaxo, Solvay, Janssen, Pfizer, Lilly, AstraZeneca, and Bristol-Myers Squibb; and has served as a consultant for Glaxo, Solvay, Pfizer, Lilly, Bristol-Myers Squibb, Elan, and Novartis." For example,

over the last seven years, Dr. Goodwin received over \$1.3 million in speaking fees and honoraria from GlaxoSmithKline (GSK) for giving over 480 talks. I discovered this fact through documents that I received from GSK.

I have attached a chart detailing the information that GSK supplied to my staff. Many of the payments to Dr. Goodwin were made through a company called Best Practice LLC (BP). Based upon independent research conducted by my staff, it appears that Dr. Goodwin founded BP along with several other scientists in the late nineties. It is my understanding that BP advises pharmaceutical companies.

As mentioned earlier, when one listens to "The Infinite Mind" there is an acknowledgment that NIH money helps to underwrite its production. Accordingly I would appreciate any information that you could provide me regarding financial disclosure requirements applicable to this situation. It seems to me that if the federal government provides financial support for a radio program that is heard by hundreds of thousands of American citizens, then the financial transparency of that show's host is important.

In light of this, I would appreciate gaining a greater understanding of the NIH grants received by "The Infinite Mind" and the applicable NIH policies on financial disclosure. Accordingly, please respond to the following questions and requests for information. For each response, please repeat the enumerated request and follow with the appropriate answer. The time span of this request covers January 2000 to the present.

(1) Please provide a list of all NIH grants that have supported "The Infinite Mind." For each grant/contract, please provide the following:

- Name of grant/contract;
- Topic of grant/contract;
- Amount of funding for each grant/contract identified;
- Amount of funding provided in grant/contract for the host of the show; and
- Supporting documents on financial disclosure, pertinent to the grant/contract.

(2) Please provide a list of all NIH grants, if any, made to Dr. Frederick Goodwin. For each grant, please provide the following:

- Name of grant;

- Topic/purpose of the grant; and
- Amount of funding for each grant identified.

(3) For each of the above identified grants, please answer the following questions regarding financial disclosure:

- Please explain the applicable NIH rules on financial disclosure required for the grant; and
- Please confirm if the applicable rules on financial disclosure were followed by the grantee.

(4) Please provide a list of any other interactions that Dr. Frederick Goodwin has had with the NIH including membership on advisory boards, peer reviewer on grants, or other similar activities.

(5) Please provide a list of all NIH grants/contract, if any, made to Best Practice LLC. For each grant, please provide the following:

- Name of grant/contract;
- Topic of grant/contract; and
- Amount of funding for each grant/contract identified.

(6) Please provide a list of all NIH grants that have supported National Public Radio. For each grant, please provide the following:

- Name of grant;
- Topic of grant; and
- Amount of funding for each grant identified.

(7) For each of the above identified grants/contracts, please answer the following questions regarding financial disclosure:

- Please explain the applicable NIH rules on financial disclosure required for each grant/contract; and
- Please confirm that applicable rules on financial disclosure were followed by the grantee.

I request your prompt attention to this matter and your continued cooperation. I would appreciate receiving responses no later than December 3, 2008. If you have any questions, please contact my Committee staff, Paul Thacker. Any formal correspondence should be sent electronically in PDF searchable format to Brian_Downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

GLAXOSMITHKLINE PAYMENTS TO DR. FREDERICK GOODWIN

Year	Products	Topics	Speaker honoraria	Expenses
2000	Wellbutrin, Lamictal	Depression: treatment and therapies	\$14,400	\$2,400
2001	Wellbutrin Lamictal Eskalith	Depression updates on treatments. Frontiers in neuropsychiatry	24,000	3,100
2002	Eskalith Wellbutrin Lamictal	Managing depression. Treatment for bipolar disorder and mania	55,500	5,400
2003	Wellbutrin Eskalith Lamictal BP	Depression. Treating mania and bipolar disorder. Use of Lamotrigine	140,800	16,100
2004	Lamictal BP	Bipolar I disorder: stabilization and treatment	193,500	23,100
2005	Lamictal BP	Strategies and therapies for treating bipolar I disorder	304,500	24,900
2006	Lamictal BP	Managing and treating bipolar disorder. National Speaker Series on Lamictal for treating bipolar I disorder.	223,000	21,400
2007	Lamictal BP	Treating bipolar and unipolar depression. Managing bipolar I disorder	138,000	18,900
2008	Lamictal Paxil	Managing and treating bipolar disorder. National Speaker Series: Maintenance treatment for bipolar I disorder.	132,500	1,800

Total: \$1,226,300 in fees and \$117,300 in expenses for over 480 talks.

U.S. SENATE, COMMITTEE ON FINANCE,

Washington, DC, November 19, 2008.

Dr. ARDEN L. BEMENT, Jr.
Director, National Science Foundation, Wilson
Boulevard, Arlington, VA.

DEAR DIRECTOR BEMENT: As a senior member of the United States Senate and the Ranking Member of the Committee on Finance (Committee), I have a duty under the Constitution to conduct oversight into the actions of executive branch agencies, including the activities of the National Science Foundation (NSF). In this capacity, I must ensure that NSF properly fulfills its mission to advance the public's welfare and makes responsible use of the public funding provided for scientific studies and education.

Research and educational programs sponsored by the NSF may influence public opinion and can affect actions taken by the Medicare and Medicaid programs.

I would like to bring to your attention my concerns about the apparent lack of oversight regarding conflicts of interest relating to the almost \$6 billion in annual grants that are distributed by the NSF. As you know, institutions receiving an NSF research grant are required to "manage" the grantee's conflicts of interest.

In particular, I am concerned about a radio show that discusses psychology and neuroscience called "The Infinite Mind." This show, as I understand it, is independently produced; distributed to over 300 public radio stations; and appears on National Public Ra-

dio's (NPR) satellite channel. According to this show's website and promotional comments made during several of the show's episodes, "The Infinite Mind" claims to receive major underwriting from the NSF.

The host of the "The Infinite Mind" is research professor Dr. Frederick Goodwin. However, I have learned that while hosting this radio program, Dr. Goodwin also received substantial compensation from drug companies. In the fine print of an article he published in the *Journal of the American Medical Association* in 2003, Dr. Goodwin acknowledged that he "has served on the speaker's bureaus of Glaxo, Solvay, Janssen, Pfizer, Lilly, AstraZeneca, and Bristol-Myers Squibb; and has served as a consultant for Glaxo, Solvay, Pfizer, Lilly, Bristol-Myers

Squibb Elan, and Novartis." For example, over the last seven years, Dr. Goodwin has received over \$1.3 million in speaking fees and honoraria from GlaxoSmithKline (GSK) for giving over 480 talks. I discovered this fact through documents that I received from GSK.

For your review and future reference, I have attached a chart detailing the information that GSK supplied to my staff. Many of the payments to Dr. Goodwin were made through a company called Best Practice LLC (BP). Based upon independent research conducted by my staff, it appears that Dr. Goodwin founded BP along with several other scientists in the late nineties. It is my understanding that BP advises pharmaceutical companies.

As mentioned earlier, when one listens to "The Infinite Mind" there is an acknowledgment that NSF money helps to underwrite its production. Accordingly I would appreciate any information that NSF could provide regarding financial disclosure requirements applicable to this situation. It seems to me that if the federal government provides financial support for a radio program that is heard by hundreds of thousands of American citizens, then the financial transparency of that show's host is important.

In light of this, I would appreciate gaining a greater understanding of the NSF grants provided to "The Infinite Mind" and the applicable NSF policies relating either directly or indirectly to financial disclosure. Accord-

ingly, please respond to the following questions and requests for information. For each response, please repeat the enumerated request followed by the appropriate answer. The time span of this request covers January 2000 to the present.

(1) Please provide a list of all NSF funds that have supported "The Infinite Mind." For each grant, please provide the following:

- Name of grant and/or contract;
- Topic of grant/contract; and
- Amount of funding for grant/contract;
- Amount of funding provided in grant/contract for the host of the show; and
- Supporting documents on financial disclosure, pertinent to the grant/contract.

(2) Please provide a list of all NSF grants, if any, made to Dr. Frederick Goodwin. For each grant, please provide the following:

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- Topic/purpose of the grant; and
- Amount of funding for the grant.

(3) For each of the above identified grants, please answer the following questions regarding financial disclosure:

- Please explain the applicable NSF rules on financial disclosure required for the grant; and
- Please confirm that applicable rules on financial disclosure were followed by the grantee.

(4) Please provide a list of any other interactions that Dr. Goodwin has had with the NSF including membership on advisory boards, peer review on grants, or the like.

(5) Please provide a list of all NSF grants that have supported National Public Radio. For each grant, please provide the following:

- Name of grant;
- Topic of grant; and
- Amount of funding for grant.

(6) For each of the above identified grants/contracts, please answer the following questions regarding financial disclosure:

- Please explain the applicable NSF rules on financial disclosure required for the grant/contracts; and
- Please confirm that applicable rules on financial disclosure were followed by the grantee.

In cooperating with the Committee's review, no documents, records, data, or other information related to these matters, either directly or indirectly, shall be destroyed, modified, removed, or otherwise made inaccessible to the Committee.

I request your prompt attention to this matter. In addition, I would request you provide this information to me no later than December 3, 2008. If you have any questions, please contact my Committee staff, Paul Thacker. Any formal correspondence should be sent electronically in PDF searchable format to Brian_Downey@finance-rep.senate.gov.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Attachment.

GLAXOSMITHKLINE PAYMENTS TO DR. FREDERICK GOODWIN

Year	Products	Topics	Speaker Honoraria	Expenses
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Total: \$1,226,300 in fees and \$117,300 in expenses for over 480 talks.

I LOVE TO WRITE DAY

Mr. CARPER. Mr. President, I wish to commemorate I Love to Write Day. The designation of November 15 as I Love to Write Day allows the Nation to focus much-needed attention on the value and importance of practicing writing skills at every age.

I Love to Write Day was created by Delaware author John Riddle in 2002. John came up with the idea for I Love to Write Day while driving from his home in Delaware to the Blue Ridge Mountain Christian Writers Conference in Ashville, NC. That first year, more than 11,000 schools across the country signed up to participate in I Love to Write Day events and activities.

Since Delaware Governor Ruth Ann Minner officially declared November 15th as I Love to Write Day in 2002, nine other Governors have joined in recognizing it, and more than 20,000 schools participated last year.

This year, Children's Way Foundation teamed up with Mr. Riddle to bring together 50,000 elementary schools throughout the country to provide students with the opportunity to

discover and develop the talent of writing.

John Riddle currently resides in Bear, DE, and knows the value of writing first hand. For the last 30 years, he has been a freelance author writing for magazines, trade journals and Web sites, and is the author of 34 books. He is a frequent presenter at writers conferences all across the country and spoke last year at the National Press Club in Washington, DC.

Writing is vital to improve communication skills and to challenge minds. It is a skill that is helpful in every career and the ability to communicate effectively through writing not only enhances one's educational opportunities but also serves as a lifelong asset. It doesn't matter if you write a poem, a letter, an essay, or a novel; just as long as you are getting your thoughts down on paper you are engaging your mind. I applaud Mr. Riddle's efforts to get people writing and hope that I Love to Write Day continues to be a success throughout the Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO ALAN AND MARILYN BERGMAN

• Mrs. BOXER. Mr. President, I would like to take this opportunity to recognize an extraordinary couple in the musical world, Alan and Marilyn Bergman, who were recently honored by the renowned Paley Center for Media. Formerly known as the Museum of Television & Radio, the Paley Center for Media is nationally recognized for its efforts to engage communities in a dialogue around the cultural, creative, and social significance of television, radio, and other emerging media platforms.

This year, Alan and Marilyn Bergman are celebrating 50 years of a musical partnership that has enchanted and engaged people around the world. In honor of their extraordinary careers, the Paley Center for Media hosted two very special events to pay tribute to the Bergmans, the first in New York on May 21, 2008, and the second in Los Angeles on November 3, 2008. The two events were part of the Paley Center for Media's "Paley After Dark" series, which features only a select few artists each year.

Though Alan and Marilyn's personal life stories may not be widely known—both were born and raised in the same Brooklyn, NY, neighborhood, but it wasn't until they moved to Los Angeles in the 1950s that they met, fell in love, and married—it is hard to find a person who isn't familiar with one of the Bergmans' many famous songs. Starting with one of their first breakthrough successes, a song entitled "Sleep Warm," which appeared as the title track on an album released by Dean Martin in 1959, the Bergmans kicked off a musical career that has lasted half a century.

In 1968, the Bergmans won their first Oscar for "The Windmills of Your Mind," the theme song from the "Thomas Crown Affair." This was just the beginning for Alan and Marilyn. Later, in 1968, "The Windmills of Your Mind" also won a Golden Globe award. In 1973, Alan and Marilyn won two Grammys, an Oscar, and a Golden Globe award for "The Way We Were," starring Barbara Streisand and Robert Redford. In 1984, they won another Oscar for the score for "Yentl," and won Emmys for "Sybil," "Queen of the Stardust Ballroom," "Ordinary Miracles" and "A Ticket to Dream." In 1995, Alan and Marilyn wrote the Golden Globe-, Oscar-, and Grammy-nominated song "Moonlight." Just a few years ago, Alan and Marilyn were commissioned by the Kennedy Center to write a jazz song cycle which received widespread acclaim. And just last year, Alan released his first album as a vocalist, "Lyrically," featuring some of his and Marilyn's most well-known songs. The reviews were phenomenal.

During their New York and Los Angeles visits, the Bergmans performed a few of their hit songs and treated the audiences to a special question-and-answer session with Pat Mitchell, the Paley Center for Media's president and CEO. Though the Bergmans have been partners for more than 50 years, it was clearly evident that their rapport with each other shines through as strongly today as it did when they first met.

For half a century, Alan and Marilyn have written the lyrics and music to some of the world's most recognizable and unforgettable songs. Their dedication and passion for life is evident in both their marriage and in the work they do. It is no wonder, then, that the Paley Center for Media has honored the Bergmans as part of its "Paley After Dark" series.

As their U.S. Senator, I join the Paley Center for Media in honoring and giving my most sincere congratulations to Alan and Marilyn, one of the most respected songwriting teams in music today, for enriching the lives of so many. And for the sake of all of us, I trust that their joint efforts will continue for many more years.●

TRIBUTE TO LAWRENCE CANFIELD

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the

life of Sacramento County sheriff's deputy Lawrence "Larry" Canfield, who was tragically killed in the line of duty on November 12, 2008, when his patrol motorcycle was hit while pursuing a speeding vehicle.

Deputy Canfield was raised in Galt, CA, where he graduated from Galt High School. After graduation he joined the U.S. Army where he served for 4 years. He later followed his father's footsteps and joined the Sacramento County Sheriff's Department. For 13 years, Deputy Canfield took great pride in his service to the Sacramento County Sheriff's Department. To his colleagues he was known for his dedication to law enforcement and passion for serving with the motorcycle division.

Deputy Canfield is survived by his loving wife of 16 years, Michelle, and children Tyler and Bryce. Deputy Canfield will be remembered as a dedicated husband, proud father, loving son, devoted friend, and respected colleague. Deputy Canfield served Sacramento County with honor and bravery and fulfilled his oath as an officer of the law. His contributions to public safety and dedication to law enforcement are greatly appreciated and will serve as an example of his legacy.

We shall be grateful for Deputy Canfield's heroic service and the sacrifices he made while serving and protecting the community that he loved.●

REMEMBERING JAMES JOSEPH DURANT

● Ms. COLLINS. Mr. President, today I wish to commemorate the life of a true American patriot—Mr. James Joseph Durant of Scarborough ME—and to mourn his passing.

Mr. Durant died in the line of duty almost two years ago while serving his community through the Volunteers in Police Services, VIPS, program.

His premature death not only devastated his family but left a void in the life and social fabric of his community and his State.

Mr. Durant led an admirable and remarkable life. He was married for 47 years to his high school sweetheart, Janine. They began dating in their sophomore year when they were forced to share her English book because he had conveniently forgotten his own. Mr. Durant was a dedicated and caring father to their three children and a doting grandfather of five.

He was a decorated U.S. Army soldier and combat veteran of the Vietnam War. Mr. Durant's loyalty to the Army and to his country was so profound that he refused a deferral from deployment to Vietnam to which he was entitled when his wife discovered that she was pregnant with their second child.

After his return from Vietnam, Mr. Durant dedicated his life to public service. He worked with distinction for over 25 years as an electronic technician for the Federal Aviation Administration at the Portland International Jetport. He also volunteered for many

activities and programs in Scarborough, including VIPS, where he patrolled parking lots on behalf of the local police department.

Sadly, it was this commitment to public service that ultimately cost him his life. On December 15, 2006, while serving the citizens of Scarborough in his capacity as a member of VIPS, Mr. Durant responded to a nearby traffic accident.

He was helping the under-manned police department by directing traffic when a vehicle struck him from behind. Although Mr. Durant was not a career officer, Scarborough honored him with local law-enforcement honors at his funeral. His was the first death of an officer in the line of duty in Scarborough's modern history.

Mr. Durant responded to the Nation's call for citizens to volunteer to help secure our homeland after the terrorist attacks of September 11, 2001. Managed on behalf of the Departments of Homeland Security and Justice by the International Association of Chiefs of Police, VIPS provides an opportunity for ordinary citizens to volunteer in law enforcement. As a volunteer law enforcement officer, Mr. Durant made his community safer, stronger, and a better place to live.

Unfortunately, after Mr. Durant sacrificed his life heeding that call to service, the Federal government compounded his family's loss by denying their application for federal death benefits under the Public Safety Officer Benefits, PSOB, program.

According to the Department of Justice which administers the PSOB program, Mr. Durant did not qualify as a "public safety officer" within the meaning of the law.

The PSOB program has been plagued with problems since its inception. Most of the national law enforcement and fire services organizations, such as the International Association of Fire Fighters, the International Association of Fire Chiefs, the Fraternal Order of Police, and the National Sheriff's Association, have long complained about the huge backlog of benefit applications and DoJ's overly strict interpretation of the law.

If we truly hope to encourage more Americans like Mr. Durant to engage in volunteer activities that safeguard our homeland, we must ensure that their families are taken care of in the event that they die while performing duties that public safety officers would have otherwise performed.

Mr. Durant is the first and so far only VIPS participant to have died in the line of duty. It would be folly to assume that he will be the last. That is why I believe that Congress should provide volunteers participating in VIPS and the Fire Corps, another potentially dangerous citizen volunteer program, with death benefits similar to those provided under the PSOB program.

I fully recognize that proposing to expand the PSOB program—even if narrowly—is controversial. But I also believe that such an expansion is necessary. In the future, I hope to reach agreement with my friends in the first responder community on a way to protect the families of volunteers, like Mr. Durant, who lose their lives protecting the citizens of this Nation.

I also pledge to continue working with them to ensure that the DoJ addresses their justifiable concerns with the administration of the PSOB program.

As a nation, we owe it to our first responders—whether career or volunteer—to care for their families when they have made the ultimate sacrifice to protect us. While I regret that the Federal Government has not fulfilled this obligation to Janine Durant and her family, I am committed to ensuring that our Nation treats its heroes honorably.

Mr. Durant was an ordinary American who did extraordinary things. Having already served his country in combat, having work and family obligations, he made the extra effort to serve his community, and lost his life in the process.

We are all poorer for his death, but we can redeem it by providing equitable treatment for the families of other volunteers who may perish while serving the public good.●

TRIBUTE TO MARTIN HANSON

● Mr. FEINGOLD. Mr. President, today I would like to commemorate the life of the great Wisconsin conservationist Martin Hanson. Wisconsin lost one of the best environmental stewards of the last century on October 22 when Martin passed away in beautiful northern Wisconsin. I join so many other Wisconsinites, and conservationists nationwide, in paying tribute to Martin Hanson's memory.

Martin Hanson dedicated his life to protecting the Wisconsin landscape he loved. His legacy will carry on for many years to come in the peaceful shorelines, deep forests, and shimmering lakes of our State. Thanks to Martin's tireless work, future generations of Wisconsinites will fall in love with the great outdoors just as he did.

The Apostle Islands, a great Wisconsin treasure along Lake Superior, have been kept nearly pristine because of his environmental advocacy. Like so many other Wisconsinites, I travel to the Apostle Islands as often as I can to enjoy the spectacular scenery. Wisconsin has Martin Hanson, as well as Gaylord Nelson, to thank for protecting this Wisconsin treasure. The work of these two giants of Wisconsin's conservation movement helped make possible my own efforts to preserve the Apostle Islands and designate almost 80 percent of them as federally protected wilderness.

Generations of Wisconsinites are indebted to Martin Hanson, who was a

key architect of our State's tradition of environmental conservation. So today I honor his memory, celebrate his extraordinary life, and give thanks for his outstanding legacy.●

TRIBUTE TO BILL QUINBY

● Mr. HARKIN. Mr. President, there are few more accomplished citizens of Iowa than Bill—William—Quinby. I use the word "citizen" on purpose because along with his wife Janice, Bill's life continues to be a model of ideal citizenship and embodies what it means to be an Iowan.

Bill has spent his life living by a simple mantra: work hard and give back. In college at the University of Iowa, Bill was a two-time letter winner in baseball as an athlete and again in football as a team manager. He used these experiences to help his community, and for 11 years he served as an educator in the Cedar Rapids School District in various positions as an athletic director, teacher, and principal. After a stint in the private sector, he later served as the director of career counseling and as the athletics director at Coe College, one of Iowa's finest small colleges. Along with these years of service to his community, Bill also served for years as a high school, college, and professional football official, serving in such big games as the Rose Bowl, Orange Bowl, and Super Bowl XIX.

Yet despite this impressive career, I know that Bill would tell you that he is just as proud, if not more so, of his combined 150 years of service on boards and commissions of various charitable organizations in his community. Some of these groups include the Hawkeye Area Boy Scouts, the Cedar Rapids Jaycees, the Cedar Rapids Community Theater, Habitat for Humanity, the Cedar Rapids Community Free Clinic, and the Cedar Rapids Board of Ethics in Government.

I would be remiss if I did not emphasize the large amount of time that Bill has put into a cause that is also close to my heart. As a volunteer for the Special Olympics, Bill has been fighting for equality for persons with disabilities. While the legislative work in Washington can help create a more equal legal framework, the work of volunteers like Bill is what allows equality to emerge in practice.

To honor these services to the community, Bill was recently awarded the University of Iowa's Lifetime Achievement award. Congratulations, Bill. And let me extend to you heartfelt thanks for your inspiration and work to better eastern Iowa.

I ask to have an article about Bill from the August 27, 2008, Cedar Rapids Gazette printed in the RECORD.

The material follows.

QUINBY GIVES LIFETIME OF SERVICE

[From the Cedar Rapids Gazette, Aug. 27, 2008]

CEDAR RAPIDS.—Bill Quinby once punched in the stomach a Minnesota football fan who

was pestering Iowa Coach Forest Evashevski, thus earning the nickname "Punchy" from the appreciative head coach.

But that's not why he'll receive a lifetime achievement award from the University of Iowa on Saturday when the Hawkeyes host Maine.

Quinby, 76, will be honored for his lifetime of community service in Cedar Rapids and the surrounding area. That punch during a Big Ten game at Minnesota in 1952 is just one of the many stories he has from a lifetime of memories as an educator, Big Ten and NFL referee, philanthropist, public servant, and all-around good guy.

Quinby will be saluted Saturday along with retired Air Force Gen. Donald J. Kutyna, who had a distinguished military career. Quinby marvels at the company he's in: A working-class kid from Cedar Rapids and a decorated U.S. general.

"Let's put it this way," he said Wednesday. "I'm humbled as hell. And honored."

Quinby's many friends and admirers will tell you it's a well-deserved award and has little to do with his work as a Big Ten football official for 13 years or his service as an NFL referee for 17 years. Rather, it's a tribute to all the help he's given others.

He's served on the board of directors for the Hawkeye Area Boy Scouts, Cedar Rapids Jaycees, Cedar Rapids Community Theatre, Cedar Rapids Kids League Baseball, Cedar Rapids Sports Club, Cedar Rapids Professional Baseball Club, Cerebral Palsy Association, Arc of Eastern Iowa, Cedar Rapids Kernels Foundation, Cedar Rapids Ice Arena, Camp Courageous, Habitat for Humanity, Special Olympics, National Shrine Athletic Committee, and the Linn Area Credit Union. He's served on the Regional Planning Commission, the Cedar Rapids Recreation Commission, the Five Seasons Facility Commission, the Civil Service Commission, and the Cedar Rapids Board of Ethics in Government.

"I always felt it was best to help people who possibly needed help," he said. "I mean, look at how lucky I've been. I truly feel very good about being born here, raised here and I've lived here all my life. Look how good it's been for me."

Quinby and his wife, Janis, have been married for 53 years. They have four children and nine grandchildren, although one of their children, Billy, died tragically in a traffic accident as a young man.

Quinby was an accomplished athlete at Franklin High School in Cedar Rapids, but three knee operations prevented him from playing football at Iowa. He received two varsity letters in baseball with the Hawkeyes and got two varsity letters in football as the team's manager, which is why he was at Evashevski's side when that unruly Minnesota fan left his seat behind the UI bench and confronted Evy, claiming players were obstructing his view of the field.

Quinby, who did a little boxing in college, rushed to Evashevski's side and slugged the guy a couple of times in the stomach, making him double over in pain. "Thanks," Evashevski said after the game.

"See how lucky I've been to be around?" Quinby said with a smile. "For a guy that grew up at Daniels Park and was nothing at Iowa, I feel very lucky."●

TRIBUTE TO GENERAL BRUCE CARLSON

● Mr. INHOFE. Mr. President, today I wish to recognize GEN Bruce Carlson, one of our most distinguished commanders who will retire from the U.S. Air Force on January 1, 2009, after

completing 37 years of distinguished service to our Nation.

General Carlson currently serves as the Commander of the Air Force Materiel Command—AFMC—in Wright-Patterson Air Force Base, OH. As Commander of AFMC, General Carlson manages the command's 77,000 people in research, development, test, and evaluation while providing the acquisition management services and logistics support required to develop, procure, and sustain Air Force weapon systems. His workforce of active duty, civilian, and contractor personnel are the unsung heroes, managing an annual budget of over \$56 billion, more than 40 percent of the total AF budget, and ensuring our warfighters are equipped with the best equipment in the world.

General Carlson was born in Hibbing, MN, and began his accomplished career in 1971 when he graduated as a "Distinguished Graduate" from the Air Force ROTC program at the University of Minnesota, Duluth. From the day he pinned on his butter bars through his four silver stars, Gen Bruce Carlson has been a leader and continues to lead and mentor airmen in the air and on the ground.

After graduating from the University of Minnesota, he went on to undergraduate pilot training at Vance Air Force Base in Oklahoma—a base I know well and the finest pilot training base in the U.S. His first assignment out of pilot training was in the F-4 Phantom II and then he transitioned into the OV-10 Bronco and A-10 Warthog. During his career he logged over 3,300 flying hours to include combat time in the OV-10. His work ethic and unparalleled skill resulted in his posting to positions of influence in the offices of the Secretary of the Air Force and Secretary of Defense. His skill as a pilot and a leader led to various flying assignments, including commanding the 49th Fighter Wing at Holloman Air Force Base, NM, the Air Force's first stealth fighter wing.

As with every great officer, his star continued to rise as he met every promotion with dedication and integrity. Moving on to serve as the Director of Force Structure, Resources, and Assessment on the Joint Staff and finally, prior to assuming Command of AFMC, General Carlson served as the Commander, 8th Air Force, Barksdale Air Force Base, Louisiana and Joint Functional Component Commander for Space and Global Strike, U.S. Strategic Command, Offutt AFB, NE.

General Carlson has received several distinguished awards including the Defense Distinguished Service Medal with oak leaf cluster, Legion of Merit, Meritorious Service Medal with two oak leaf clusters, Air Force Commendation Medal with two oak leaf clusters, and the 2007 Order of the Sword, Air Force Materiel Command. He was also awarded master's degrees from Webster University in St. Louis, MO, and the Naval War College in Newport, RI.

In the Chief of Staff's recommendation for the Order of the Sword, Gen-

eral Schwarz wrote, "General Carlson culminates a distinguished career of more than 37 years of Air Force service, with focused leadership, a selfless commitment to excellence and tireless dedication. His vision and leadership transformed Air Force Materiel Command into the preeminent provider of war-winning capabilities . . ." I cannot agree more. In an era of persistent conflict and constrained budgets, General Carlson's dedication to making sure the warfighter has what he needs to fight and win is inspiring.

I offer my sincere thanks and appreciation to Gen Bruce Carlson, his wife Vicki, and his three children, Bryan, Jani, and Scott. The strength of our airmen is in their families, and their support allowed him to dedicate 37 years of leadership and service to the men and women of the Air Force and our country. I wish him and his family well in all his future endeavors. ●

TRIBUTE TO PABLO RAUL ALARCON

● Mr. MENENDEZ. Mr. President, today I honor the life of Pablo Raul Alarcon. His dedication and achievements in overcoming the tyranny of the Castro regime to found the largest publicly traded Hispanic-controlled media company in America stands as a powerful example of the realization of the American dream. While we mourn the passing of this broadcasting pioneer, we celebrate his legacy and the profound impact his life has had on the United States.

Today, the Spanish Broadcasting System owns and operates 20 radio stations across the country, including the No. 1 Spanish-language radio station in America—which I have the privilege of listening to when I am home in New Jersey. They own a popular television station and operate a bilingual Web site dedicated to Latino culture and news. Under the exemplary leadership of Mr. Alarcon's son, Raul Alarcon, Jr., SBS continues to be the gold standard in Hispanic-operated broadcasting.

The Alarcons were born in Cuba, where Pablo Raul Alarcon founded his first radio station in 1951. He found success creating a network of 14 stations across the country, which were ultimately seized by the Castro dictatorship. The Alarcons fled to America with few possessions. But the tyranny of Castro could not crush the spirit of their entrepreneurship. Mr. Alarcon worked his way up in Spanish language radio, doing programming, sales, and advertising. In 1983 Mr. Alarcon and his son, Raul Alarcon, Jr., fulfilled their long-held dream of once again owning a broadcast station. They purchased a small AM station licensed in my home State and created the first Spanish language format to be introduced into the New York/New Jersey market in over 25 years.

Since 1983, the Alarcons have overseen the expansion of SBS to become one of the premier Hispanic-controlled

broadcast companies in America. Soon after its founding, SBS expanded to Los Angeles and Miami. In 1993, their KLAX-FM station achieved a historic overall No. 1 ranking in southern California.

As the torch was passed from father to son, SBS continued its rise. In 1999, SBS completed the second largest IPO in radio history and continued expanding their network of broadcast stations. That same year, SBS went online with the purchase of lamusica.com. In 2001, SBS produced a sell-out Madison Square Garden charity concert to honor the victims of September 11. In 2006, SBS entered the television broadcasting business with the creation of the MEGA-TV network.

Raul Alarcon, Jr., is well known for his tremendous successes as the president and CEO of SBS. He has been recognized as one of the 100 most influential Hispanics and as one of the 40 most powerful people in radio. In 1994, Raul Alarcon, Jr., was given the Lifetime Achievement Award for Business Excellence. In 1995, he received both the Ellis Island Medal of Honor and the Human Rights Committee Radio Contributions Award. He has testified before Congress and his position as an authority in the field of minority media ownership is unparalleled.

There is no doubt that the Alarcons exhibit the embodiment of the American dream. When a cruel dictatorship destroyed their life's work, they came to America and started over by creating a company that impacts the lives of millions of Americans. So I am pleased to pay tribute to the Spanish Broadcasting System, to honor the passing of Pablo Raul Alarcon, and to recognize the tremendous achievement of Raul Alarcon, Jr., in carrying on his father's legacy. ●

RECOGNIZING KATE'S HOMEMADE BUTTER

● Ms. SNOWE. Mr. President, today I recognize Kate's Homemade Butter of Old Orchard Beach, ME, a family-owned company whose attention to detail and excellence recently earned it the top honors at the World Dairy Expo, also known as the Academy Awards of the dairy industry.

Kate's Homemade Butter is a dairy farm that is recognized worldwide for producing slow-churned butter. The recipe for fresh homemade butter has been passed down for four generations, dating back to the early 1900s. In 1981, Daniel Patry, founder and president of Kate's Homemade Butter, unleashed his family secret and developed it into an award-winning, profitable business. In 2005, Daniel's son Lucas joined the company to continue a family tradition.

The Patry family is committed to maintaining the degree of quality that originated back in the early 1900s. They have stayed true to their grandfather, Alphonse Hemond, who passed down the family secrets to his son, Roland Hemond. Daniel Patry, learned

the business from his uncle, Roland Hemond, making note of textures and tastes, but, most critically, realizing that the key to award-winning products is time, patience, and diligence. The Patrys ensure that all their ingredients come from local farmers so as to maintain the integrity and freshness of their world-class dairy.

After generations of making the butter for friends and family, Mr. Patry decided to share this creamy spread with the world. The same process for making butter that was used in 1900 is still employed today, further proving Kate's Homemade Butter's commitment to quality over quantity. In 2006, the Patry family's hard work was rewarded when Kate's Homemade Butter won the first of its two gold medals from the World Dairy Expo, beating out thousands of entrants from around the world!

Winning their first gold medal in 2006 helped put Kate's Homemade Butter on the map in the eyes of national producers and highly esteemed culinary circles, including Food & Wine Magazine and Down East Magazine. In a move rarely seen at the World Dairy Expo, Kate's won again in 2008, achieving a very improbable score of 98.8 out of a possible 100. This accomplishment was described as a David versus Goliath moment by the Professor Emeritus in the Department of Food Studies at the University of Wisconsin, Dr. Robert Bradley, who is widely regarded as a pre-eminent industry authority. Dr. Bradley noted, "Here you have this relatively small producer in Maine, who, literally, makes his butter just in time to give his customers the absolute freshest product possible. He comes into the Expo arena this year, going up against the biggest names in the business—the largest manufacturers in the entire industry—and walks away with a near-perfect score. The finished product is his passion."

So, thank you, Daniel Patry for your passion and commitment to excellence at Kate's Homemade Butter and congratulations to you and your family on your award-winning product at the World Dairy Expo.●

TRIBUTE TO DONALD AND ELEANOR BUNN

● Mr. THUNE, Mr. President, today I wish to recognize Donald and Eleanor Bunn of Colorado Springs, CO. Donald and Eleanor will celebrate their 50th wedding anniversary this year on December 23.

Donald and Eleanor first met in 1947 while on a double date to a drive-in movie; however, at the time the two of them were on the date with other people. Following this meeting, they began dating sporadically until Don finished his active duty in the Navy. After Don's service in the Navy, their courtship resumed in full, and Donald and Eleanor were married on December 23, 1958 at the Virginia Avenue Baptist Church in Bristol, TN. The service was

performed by Reverend Haynes with Don's father, Silas Clifton Bunn, and Eleanor's sister, Anne Blevins Helms, as their witnesses. Eventually, Don and Eleanor made their home in Garden Grove, CA, where they raised their only daughter, Sharada.

I offer my congratulations to Donald and Eleanor on their 50th wedding anniversary and wish them many years of continued happiness.●

FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR DURING ADJOURNMENT

Under the authority of the order of the Senate of November 17, 2008, the following bills were read the second time, and placed on the calendar:

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

S. 3535. A bill to amend the Internal Revenue Code of 1986 to index certain assets for purposes of determining gain or loss.

S. 3646. A bill to authorize and expedite lease sales within the outer Continental Shelf, and for other purposes.

S. 3688. A bill to provide for additional emergency unemployment compensation, to amend the Emergency Economic Stabilization Act of 2008 to authorize loans to automobile manufacturers and component suppliers, and for other purposes.

S. 3689. A bill making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

H.R. 6842. To restore Second Amendment rights in the District of Columbia.

H.R. 6867. An act to provide for additional emergency unemployment compensation.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

H.R. 7110. An act making supplemental appropriations for job creation and preservation, infrastructure investment, and eco-

nomic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8686. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Forward Pricing Program" (RIN0581-AC86) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8687. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Addition of Russia and Azerbaijan to the List of Regions Where African Swine Fever Exists" (Docket No. APHIS-2008-0107) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8688. A communication from the Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Beef Promotion and Research; Reappointment" (Doc. No. LS-07-0141) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8689. A communication from the Assistant Director of the Directives and Regulations Branch, Forest Service, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Clarification for the Appropriate Use of a Criminal or a Civil Citation to Enforce Mineral Regulations" (RIN0596-AC38) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8690. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Report to Congress: Regarding the Accuracy of the Do Not Call Registry"; to the Committee on Commerce, Science, and Transportation.

EC-8691. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Rail Transportation Security" (RIN1652-AA51) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8692. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronically Controlled Pneumatic Brake Systems" (RIN2130-AB84) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8693. A communication from the Staff Assistant, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Seating Systems, Occupant Crash Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection" (RIN2127-AK09)

received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8694. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XF96) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8695. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XF27) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8696. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XG33) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8697. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XF58) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8698. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XF17) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8699. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-XK78) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8700. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XL22) received in the Office of the President of the Senate on November 17, 2008; to the Committee on Commerce, Science, and Transportation.

EC-8701. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Of-

fice of the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Advanced Technology Vehicles Manufacturing Incentive Program" (RIN1901-AB25) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Energy and Natural Resources.

EC-8702. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "New Mexico Regulatory Program" (SATS No. NM-047-FOR) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Energy and Natural Resources.

EC-8703. A communication from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Abandoned Mine Land Program" (RIN1029-AC56) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Energy and Natural Resources.

EC-8704. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulation: Areas of the National Park System, National Capital Region" (RIN1024-AD71) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Energy and Natural Resources.

EC-8705. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "National Park System Units in Alaska" (RIN1024-AD69) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Energy and Natural Resources.

EC-8706. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Royalty Relief - Ultra-Deep Gas Wells and Deep Gas Wells on Leases in the Gulf of Mexico; Extension of Royalty Relief Provisions to Leases Offshore of Alaska" (RIN1010-AD33) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Energy and Natural Resources.

EC-8707. A communication from the Acting Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil Shale Management - General" (RIN1004-AD90) received in the Office of the President of the Senate on November 17, 2008; to the Committee on Energy and Natural Resources.

EC-8708. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Avermectin; Pesticide Tolerances for Emergency Exemptions" ((EPA-HQ-OPP-2008-0175)(FRL-8387-8)) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Environment and Public Works.

EC-8709. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Inert Ingredient: Exemption from the Requirement of a Tolerance for (S,S)-Ethylenediaminedisuccinic Acid" ((EPA-HQ-OPP-2008-0250)(FRL-8362-4)) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Environment and Public Works.

EC-8710. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "MCPB; Pesticide Tolerances" ((EPA-HQ-OPP-2007-0945)(FRL-8387-1)) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Environment and Public Works.

EC-8711. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Stay of Effectiveness of Control Measure Regulating Dust Emissions at the Four Corners Power Plant; Navajo Nation" ((EPA-R09-OAR-2006-0184)(FRL-8739-7)) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Environment and Public Works.

EC-8712. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tetraconazole; Pesticide Tolerances" ((EPA-HQ-OPP-2007-1161)(FRL-8386-7)) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Environment and Public Works.

EC-8713. A communication from the Secretary of Health and Human Services and the Attorney General, transmitting, pursuant to law, an annual report relative to the Health Care Fraud and Abuse Control Program for fiscal year 2007; to the Committee on Finance.

EC-8714. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to Overpayment Rules" (RIN0960-AG02) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Finance.

EC-8715. A communication from the Regulation Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to the Medicare Advantage and Prescription Drug Benefit Programs: Clarification of Compensation Plans" (RIN0938-AP52) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Finance.

EC-8716. A communication from the Program Manager of the Office of Strategic Operations and Regulatory Affairs, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Clarification of Outpatient Hospital Facility (Including Outpatient Hospital Clinic) Services Definition" (RIN0938-AO17) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Finance.

EC-8717. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Information Reporting on Employer-Owned Life Insurance Contracts" (RIN1545-BG58) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Finance.

EC-8718. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election to Expense Certain Refineries" (RIN1545-BF06) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Finance.

EC-8719. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2008 Base Period T-Bill Rate" (Rev. Rul. 2008-51) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Finance.

EC-8720. A communication from Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products" (RIN0910-AC35) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-8721. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8722. A communication from the President, Overseas Private Investment Corporation, transmitting, pursuant to law, an annual report relative to the Corporation's audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC-8723. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period ending September 30, 2008 and the Office of Inspector General's compendium of unimplemented recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-8724. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Advance Information on Private Aircraft Arriving and Departing the United States" (RIN1651-AA41) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8725. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-536, "Firearms Control Temporary Amendment Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8726. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-537, "Chief Financial Officer Approval of Payment of Goods and Services Temporary Amendment Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8727. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-538, "Franklin Shelter Closing Requirements Temporary Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8728. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-550, "Public Space Rental Fees Amendment Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8729. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-551, "Workforce Housing Production Program Amendment Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8730. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-552, "District's Opportunity to Purchase Amendment Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8731. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-553, "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8732. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-554, "Targeted Ward 4 Single Sales Moratorium Temporary Act of 2008" received in the Office of the President of the Senate on November 12, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-8733. A communication from the Regulatory and Policy Specialist, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indian Trust Management Reform" (RIN1076-AE59) received in the Office of the President of the Senate on November 12, 2008; to the Committee on Indian Affairs.

EC-8734. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report entitled "Hart-Scott-Rodino Annual Report Fiscal Year 2007"; to the Committee on the Judiciary.

EC-8735. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-448. A joint resolution adopted by the Alaska State Legislature relative to security and defense matters; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 40 AM

Whereas the Constitution of the United States imposes on the national government a duty to provide for the common defense, and the states and the national government work together toward the security of each state; and

Whereas the Congressionally mandated Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack found, in its report delivered July 2004, that an enemy using a low-yield nuclear weapon detonated at a high altitude above the United States, delivered by even a relatively unsophisticated short-range or medium-range ballistic missile, could make an electromagnetic pulse attack against the

United States, and that an electromagnetic pulse attack has the potential to place our society at risk and to defeat our military forces; and

Whereas the Alaska State Legislature views with growing concern the development of nuclear weapons technology worldwide and the proliferation of ballistic missile delivery systems that are controlled by unstable and potentially hostile foreign regimes; and

Whereas the threat from nuclear-armed ballistic missile attack has been reduced but not eliminated by the initial limited deployments of ground-based interceptors in Alaska and California; and

Whereas the Cold War doctrine of mutually assured destruction no longer represents a plausible security strategy because of the proliferation of ballistic missiles around the world; and

Whereas the testing of ballistic missiles launched from ships by enemies of the United States could indicate the intention of those enemies to use a platform off the coast of Alaska to employ short-range or medium-range missiles for a nuclear-generated electromagnetic pulse attack on American citizens; and

Whereas, in 1997, the Alaska State Legislature was the first of many state legislatures to petition the federal government to develop and deploy a robust and layered missile defense system that includes the most effective combination of land-based, sea-based, air-based, and space-based architectures;

Be it Resolved, That the Alaska State Legislature urges the United States to work with the State of Alaska to ensure that the state is prepared to respond to and recover from an electromagnetic pulse attack; and be it further

Resolved, That the Alaska State Legislature urges the United States to expand its ballistic missile defense system, and also to develop other methods, to defend against electromagnetic pulse attacks delivered by ballistic missiles, including missiles launched at American cities from ships off the coast of Alaska; and be it further

Resolved, That it is the policy of the state to include in its preparedness planning defense against electromagnetic pulse attacks, as those attacks intersect with the full range of risks, threats, and hazards confronting the state; and be it further

Resolved, That it is the policy of the state to educate Alaskans about the threat of electromagnetic pulse attacks causing massive losses of electric power and disruption to telecommunications and other vital services, including health, public safety, food, and transportation services that depend on reliable electric power; and be it further

Resolved, That the Alaska State Legislature encourages municipalities and private industry in the state to examine critical vulnerabilities in their infrastructures and to prepare for massive disruptions that could be caused by electromagnetic pulse attacks.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable Steny H. Hoyer, Majority Leader of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Robert M. Gates, United States Secretary of Defense; the Honorable Samuel W. Bodman, United States Secretary of Energy; the Honorable

Michael O. Leavitt, United States Secretary of Health and Human Services; the Honorable Michael Chertoff, United States Secretary of Homeland Security; the Honorable Condoleezza Rice, United States Secretary of State; the Honorable Mary E. Peters, United States Secretary of Transportation; the Honorable Henry M. Paulson, Jr., United States Secretary of the Treasury; the Honorable Robert S. Mueller, Director of the Federal Bureau of Investigation; the Honorable Mike Mullen, Chair of the Joint Chiefs of Staff, the Honorable Mike McConnell, Director of National Intelligence; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM-449. A resolution adopted by the House of Representatives of the State of Pennsylvania memorializing the Congress of the United States to urge the Comptroller of the Currency for the United States Treasury to add the Pittsburgh Metropolitan Statistical Area as a new Community Reinvestment Act assessment area for Bank of America; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 789

Whereas, Congress passed the Community Reinvestment Act (CRA) in 1977, which states that "regulated financial institutions have continuing and affirmative obligations to help meet the credit needs of the local communities in which they are chartered"; and

Whereas, the original act established a regulatory mechanism for monitoring the level of lending, investments and services in low-income and moderate-income neighborhoods, traditionally underserved by lending institutions; and

Whereas, in the spring of 1995, the Federal regulatory agencies released new CRA regulations that outlined how Federal agencies are to assess the activities of lending institutions in traditionally underserved neighborhoods; and

Whereas, the regulations, which became effective in January 1996, established three different tests for lending institutions, involving the lending, investment and service records of banks and provided a strategic plan option in lieu of a regulator evaluation; and

Whereas, examiners rate lending institutions as either "outstanding," "satisfactory," "needs to improve" or "substantial noncompliance"; and

Whereas, scores falling within the categories of "needs to improve" or "substantial noncompliance" can result in delays or denials of mergers, acquisitions or expansion of services; and

Whereas, Countrywide Home Loans currently issues the most single-family home loans in the Pittsburgh Metropolitan Statistical area at 4,763 loans and maintains 8.98% of the market share; and

Whereas, Bank of America is ranked tenth in the number of single-family home loans issued in the Pittsburgh Metropolitan Statistical Area at 888 loans, or 1.67% of the market share; and

Whereas, the total market share of home loans in the Pittsburgh Metropolitan Statistical Area is likely to be 11.38% after the merger of Countrywide Home Loans and Bank of America; and

Whereas, the most recent examination under the Community Reinvestment Act did not include the Commonwealth of Pennsylvania or the Pittsburgh region as an official assessment area for Bank of America; and

Whereas, an analysis of fair lending practices conducted by the National Community

Reinvestment Coalition (NCRC) reflected that Countrywide Home Loans provided African Americans with only 2.3% of total prime loans issued, although they represented 7.4% of all households in the Pittsburgh Metropolitan Statistical Area and lagged behind all lenders as a group; and

Whereas, the analysis further reflected that Countrywide Home Loans lagged behind all lenders in the Pittsburgh region in the proportion of both prime and subprime loans to residents of low-income and moderate-income tracts, and borrowers in minority tracts received a disproportionately small share of prime loans at 0.99%; and

Whereas, Bank of America also provided African Americans with a disproportionately small share of prime loans issued, 1.65%, as compared to representing 7.4% of Pittsburgh's population; and

Whereas, the NCRC's analysis further reflected that while low-income and moderate-income borrowers comprised 40.4% of the households in the Pittsburgh Metropolitan Statistical Area in 2006, they received a disproportionately small number of the bank's prime loans, 30.6%, and a larger share of subprime loans, 72.2%; and

Whereas, a merger of these institutions would make Bank of America the largest lender in the Pittsburgh Metropolitan Statistical Area; and

Whereas, without oversight under the Community Reinvestment Act, the credit needs of the local community could be disproportionately affected and impact the level of lending, investments and services in Pittsburgh's underserved populations; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to urge the Comptroller of the Currency for the United States Treasury to add the Pittsburgh Metropolitan Statistical Area as a new Community Reinvestment Act assessment area for Bank of America; and be it further

Resolved, That a copy of this resolution be transmitted to the Pittsburgh Community Reinvestment Group in appreciation and recognition of its efforts in providing economic justice, equitable investment practices and sufficient financial resources to revitalize communities throughout Allegheny County; and be it further

Resolved, That copies of this resolution be transmitted to the Comptroller of the Currency for the United States Treasury and the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-450. A resolution adopted by the Senate of the State of Michigan memorializing the United States Congress and the President of the United States to support additional funding to expand Amtrak's capacity and routes in Michigan; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 200

Whereas, ridership has increased 47 percent on all three Michigan Amtrak routes in the last six years. The Wolverine route, from Pontiac through Detroit to Chicago, increased its passenger load 2.5 percent in 2007 alone. The state-supported Blue Water route between Port Huron and Chicago saw increased ridership of 3 percent in 2007. Ridership on the state-supported Pere Marquette route between Grand Rapids and Chicago increased 2.8 percent. All three corridors experienced sold-out trains in 2007, some on a regular basis, which may have limited their true earning potential. The trains contributed \$500,000 of unanticipated ticket income to the state of Michigan; and

Whereas, the trend of increasing passenger numbers continues in 2008. Over the first ten months of the fiscal year, Pere Marquette ridership is up 9.8 percent and Blue Water ridership has increased 6.5 percent. Revenues have grown as well, from 4.5 to 9.2 percent. These trends over the last six years suggest continued record numbers of passengers but less than potential revenue because of limited capacity, as witnessed by frequent sold-out conditions; and

Whereas, Amtrak employs 114 Michigan residents and pays over \$6.6 million annually in salaries and wages. Amtrak contracts with Michigan businesses for more than \$5.7 million in goods and services.

Whereas, Michigan residents continue to face increasing fuel prices, traffic congestion, and limited access to public transportation. We believe the time has come to generate additional economic growth and public transportation alternatives for Michigan and its residents by increasing passenger rail capacity and service; Now, therefore, be it

Resolved by the Senate, That we memorialize Congress and the President to support additional funding for passenger rail cars on Michigan's three train routes, to consider increasing capacity and routes in Michigan, and to consider the restoration of a second, mid-day passenger train from Chicago to Grand Rapids; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Governor of Michigan, the Surface Transportation Board, the United States Department of Transportation, the Michigan Department of Transportation, and Amtrak.

POM-451. A resolution adopted by the General Court of the Commonwealth of Massachusetts relative to recommendations resulting from the New Bedford Fisheries Summit; to the Committee on Commerce, Science, and Transportation.

RESOLUTION

Whereas, on May 28, 2008, a fisheries summit was convened in New Bedford with the purpose of sharing concerns regarding the conservation of stocks and maintenance and survival of fishing communities with our congressional delegation; and

Whereas, as a result of this summit, a set of recommendations was compiled to be forwarded to our congressional delegation regarding the regulations of the fishing industry; and

Whereas, the recommendations were as follows:

A) There should be a one-year delay in implementation of Amendment 16 to the Northeast Multispecies Fishery Management Plan to properly align the amendment with the 2010 deadlines set forth in the Magnuson Stevens Reauthorization Act and until better scientific data is available; and

B) The costs and benefits of management should be evaluated taking into account the failure to maintain optimum yield and discards; and

C) The National Oceanic and Atmospheric Administration approach to management needs to be revised, considering and taking into account the advice from the fishing industry while maintaining the conservation of stocks; and

Whereas, under the leadership of our New England coastal congressional members, these recommendations are being advocated for; therefore be it

Resolved, That the Massachusetts General Court respectfully urges the members of the Massachusetts congressional delegation and

the leaders of the Congress of the United States to advocate for the recommendations set forth regarding the regulations of the fishing industry; and be it further

Resolved, That a copy of these resolutions be forwarded by the clerk of the House of Representatives to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and the members of the Massachusetts congressional delegation.

POM-452. A resolution adopted by the House of Representatives of the State of Pennsylvania memorializing the Congress of the United States to oppose the New York/New Jersey/Pennsylvania metropolitan airspace redesign proposals; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 673

Whereas, the basic air traffic structure of the New York/New Jersey/Philadelphia metropolitan area airspace was designed and implemented in the 1960s and was last modified in 1987 with the Expanded East Coast Plan (EECP); and

Whereas, the EECP proved inadequate in addressing the changes in volume and type of aircraft used by the National Airspace System and also caused major noise problems that resulted in a congressional mandate in the Aviation Safety and Capacity Expansion Act of 1990, requiring the Federal Aviation Administration (FAA) to perform an environmental impact study of the EECP and mitigate the noise; and

Whereas, in the 1995 final environmental impact study, the FAA committed to mitigate noise in a follow-up regional study; and

Whereas, in 2001, the FAA determined that aircraft noise pollution was the strongest and most widespread concern raised by the public, however, the FAA failed to include the reduction of aircraft noise as a formal goal of its regional redesign project; and

Whereas, on December 20, 2005, the FAA issued a draft environmental impact statement containing several proposals to redesign the New York/New Jersey/Philadelphia metropolitan airspace; and

Whereas, the airspace redesign involves a 31,000 square mile, five-state area with a population of 29 million residents and 21 airports, with particular focus placed on air traffic operations at five major airports, including the Philadelphia International Airport in the Commonwealth of Pennsylvania; and

Whereas, the FAA began implementation of the airspace redesign in December 2007; and

Whereas, the FAA did not conduct proper environmental reviews or seek proper input from the public and air traffic controllers at Philadelphia International Airport; and

Whereas, the FAA has shunned additional public hearing requests made by Federal and State legislators representing affected areas; and

Whereas, since southeastern Pennsylvania does not have a regional airport authority, it lacks the ability to coordinate airport planning and operations, ensuring underuse of regional airports and the overuse of the Philadelphia International Airport; and

Whereas, the Commonwealth should not appropriate State money for improvements to the infrastructure of the Philadelphia International Airport until such time as the FAA fully addresses the safety and environmental impact of the airspace redesign plan and offers a modified plan that incorporates the use of regional airports; and

Whereas, the New Jersey Coalition Against Aircraft Noise and the Citizens Coalition Against Noise Pollution oppose these proposals, arguing that the interests of the citi-

zens of affected areas have not been considered and that the proposals no longer promote aircraft noise reduction; and

Whereas, it is in the best interest of the Commonwealth of Pennsylvania to oppose the FAA's proposal to redesign the New York/New Jersey/Philadelphia metropolitan airspace; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania call upon the Congress of the United States to immediately suspend the FAA's implementation of the New York/New Jersey/Philadelphia metropolitan airspace redesign and hold additional hearings seeking the input of elected officials and concerned citizens; and be it further

Resolved, That a copy of this resolution be transmitted to the Administrator of the Federal Aviation Administration and each member of the Pennsylvania Congressional Delegation now serving in the United States Senate and House of Representatives.

POM-453. A resolution adopted by the House of Representatives of the State of Pennsylvania relative to the Susquehanna Flood Forecasting and Warning System; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 929

Whereas, the United States Army Corps of Engineers has fiscal year 2009-2010 operation and maintenance funding for six or seven stream gauges between the New York border and Harrisburg, Pennsylvania, that are a part of the Cooperative Streamgauging Network in the Susquehanna River Basin, necessitating stopgap measures to allow the United States Geological Survey to continue ongoing operation and maintenance of the gauges; and

Whereas, Congress has reduced the appropriation and not made available the entire \$2 million necessary for the Susquehanna Flood Forecasting and Warning System, which includes the operation and maintenance of the stream gauges; and

Whereas, the real time data provided by the stream gauges is of critical importance to water managers and others for a host of water management programs such as flood forecasting and warning, drought monitoring, water quality monitoring, regulatory purposes and recreational uses; and

Whereas, the Susquehanna River Basin is one of the most flood-prone watersheds in the United States, with average annual flood damages of nearly \$150 million; and

Whereas, real time data are of particular importance for timely and accurate flood forecasts and warning activities in the Susquehanna River Basin, where the Susquehanna Flood Forecasting and Warning System has helped to prevent injury and loss of life, to reduce flood damages by tens of millions of dollars and to deliver a benefit-to-cost ratio of 20:1; and

Whereas, these water resource management programs are inextricably linked to the public health, safety and welfare of the citizens of the Susquehanna River Basin; and

Whereas, given the above considerations, there is a long-term, ongoing need for the operation and maintenance of stream gauges for these various purposes and for sustainable sources of funding to allow that need to be met in the future; and

Whereas, in the interest of avoiding duplication of effort, maximizing available resources and promoting good government, the Susquehanna River Basin Commission plays an important coordinative role with Federal and State agencies through the Susquehanna Flood Forecasting and Warning System and also provides important technical assistance and public information services to the system; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to restore full funding for fiscal year 2009-2010 and provide sufficient funding in the Federal fiscal year 2010-2011 budget and beyond for the National Oceanic and Atmospheric Administration to fully fund at \$2 million the Susquehanna Flood Forecasting and Warning System to enable timely and accurate flood forecasts and warnings to be issued by the National Weather Service for the Susquehanna River Basin; and be it further

Resolved, That the administrator of National Oceanic and Atmospheric Administration be urged to discontinue withholding funds that are used for administrative purposes, are critically needed for program implementation and are appropriated for the Susquehanna Flood Forecasting Warning System; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States; the Director of the Office of Management and Budget; to the presiding officers of each house of Congress and to each member of the Congress from Pennsylvania; the administrators of the National Oceanic and Atmospheric Administration, to the United States Geological Survey; the Assistant Secretary of the Army for Civil Works; the Commander, United States Army Corps of Engineers North Atlantic Division; the District Engineer, United States Army Corps of Engineers Baltimore District; the Secretary of Environmental Protection, the Secretary of Conservation and Natural Resources and the Secretary of Community and Economic Development of Pennsylvania; the Executive Director of the Pennsylvania Emergency Management Agency; the directors of all county emergency management agencies in the Pennsylvania portion of the Susquehanna River Basin; and the Executive Director of the Susquehanna River Basin Commission.

POM-454. A resolution adopted by the Senate of the State of Pennsylvania relative to the natural gas market and energy policy; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 375

Whereas, the Natural Gas Policy Act (NGPA) of 1978 authorizes the Federal Energy Regulatory Commission (FERC) to oversee the natural gas market; and

Whereas, the United States Supreme Court has ruled that state regulatory agencies, such as the Pennsylvania Public Utility Commission, have no authority over interstate gas pipelines; and

Whereas, the NGPA also continues the authority of natural gas companies to acquire private and public property through eminent domain; and

Whereas, these various Federal public policy decisions and rulings have resulted in a proliferation of interstate natural gas pipelines over which state and local governments have no authority; and

Whereas, the FERC natural gas certification process does not properly protect the Commonwealth of Pennsylvania's natural resources; and

Whereas, the FERC natural gas certification process also fails to properly take into account the interests and values of property owners; and

Whereas, some property owners state that they were not properly notified of a project in their neighborhood, and the Natural Gas Act of 1938 does not statutorily require that FERC hold a public hearing in the locality affected by a proposed gas pipeline; therefore be it

Resolved, That the Senate of Pennsylvania recognize fully the energy and environmental challenges facing the Commonwealth

of Pennsylvania in general and the United States in particular; and be it further

Resolved, That the Senate believe that the demand for energy continues to be a concern nationwide and that an effective national energy policy must include increased emphasis on conservation, renewable energy, demand-side management, as well as increased production, and an emphasis on siting power generation near demand; and be it further

Resolved, That the Senate recognize that an effective energy policy must be addressed nationally but should reflect traditional State and local authority over environmental and energy matters; and be it further

Resolved, That the Senate urge the members of the Pennsylvania Congressional Delegation to support legislation to amend section 7(e) of the Natural Gas Act of 1938 to require that the Federal Energy Regulatory Commission hold a public hearing in localities prior to authorization if so requested; and be it further

Resolved, That the Senate urge the members of the Pennsylvania Congressional Delegation to further amend the Natural Gas Act of 1938 so as to preserve the fundamental rights of the Commonwealth of Pennsylvania and its local governments and its citizens to determine the future of land-use policies; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-455. A resolution adopted by the House of Representatives of the State of Pennsylvania urging the Congress of the United States relative to gas and energy prices; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 546

Whereas, coal, oil and natural gas currently provide more than 85% of all the energy consumed in the United States, which accounts for nearly two-thirds of our electricity consumption and virtually all of our transportation fuels; and

Whereas, even with aggressive development and deployment of new renewable and nuclear technologies, it is likely that this nation's burgeoning and debilitating dependence on foreign oil will surely increase over at least the next two decades; and

Whereas, with continued strife in the Middle East and unrest in other oil-producing regions, the price and supply of gas and energy have grown increasingly unstable in today's complex, globalized economy; and

Whereas, the Department of Energy forecasts a sharp and definite spike in gas and energy prices over the winter months, further crippling consumers of this nation, especially those living in the northeast; and

Whereas, more than 50% of this Commonwealth's citizens and 58% of this nation's households utilize natural gas, forcing families with low income to spend 10% of their annual incomes on energy costs; and

Whereas, America's economic viability, national security and citizens' welfare depend on the continued availability of reliable and affordable fossil fuels; and

Whereas, the economic duress of this nation is further exacerbated by increasing energy prices, thus depressing consumer spending, which accounts for two-thirds of economic activity in the United States; and

Whereas, the lack of oversight and inquiry by Congress into the energy policy of this nation resulted in the five largest United States refineries earning \$228 billion in profits from 2001 to 2005; and

Whereas, these unscrupulous and inordinate profits were procured on the backs of hard-working Americans who struggle just to fill their gas tanks and heat their homes; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to exercise due diligence on behalf of the citizens of this Commonwealth and of this nation by implementing oversight, inquiry and investigation into gas and energy prices to ensure that these exceedingly high prices are both necessary and ethically ascertained.

POM-456. A joint resolution adopted by the Alaska State Legislature relative to revenue generated from oil and gas development on the outer continental shelf; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 17

Whereas, under the Mineral Lands Leasing Act of 1920, the federal government shares with the states 50 percent of revenue from mineral production on federal land within each state's boundaries; and

Whereas, the shared mineral production revenue is distributed to the states automatically, outside of the budget process, and is not subject to appropriation; and

Whereas, there is not a similar authority for the federal government to share federal oil and gas revenue generated on the outer continental shelf with adjacent coastal states, despite the vital contribution made by those states to our nation's energy, economic, and national security needs in support of production from the outer continental shelf; and

Whereas, the states that sustain this critical energy production and development deserve a share of the revenue generated because they provide infrastructure to support offshore operations and because of the environmental effects and other risks associated with oil and gas development on the outer continental shelf; and

Whereas, under the Gulf of Mexico Energy Security Act of 2006, the federal government recognized the contributions made by Alabama, Louisiana, Mississippi, and Texas to national security and agreed to give them 37.5 percent of revenue from oil and gas development in newly leased federal waters in the Gulf of Mexico; and

Whereas, other coastal states, including Alaska and California, also support and should receive, on a regular and ongoing basis, a fair share of revenue generated through development on the outer continental shelf as compensation and reward for their contributions to the nation's energy supply, security, and economy; and

Whereas, there are presently 263 active oil and gas leases off Alaska's coast, covering more than 550,000 hectares; and

Whereas, since statehood, oil and gas production from the outer continental shelf off Alaska's coast has generated millions of dollars in revenue for the federal government; and

Whereas, the February 2008 lease sale in the Chukchi Sea generated an additional \$2,600,000,000 in revenue for the federal government;

Be it *Resolved*, that the Alaska State Legislature urges the United States Congress to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all coastal energy-producing states to ensure that those states develop, support, and maintain necessary infrastructure and preserve environmental integrity.

Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Dirk Kempthorne, United States Secretary of the Interior; the Honorable Harry Reid, Majority Leader of the U.S. Senate;

the Honorable Mitch McConnell, Minority Leader of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives; the Honorable John Boehner, Minority Leader of the U.S. House of Representatives; the Honorable Jeff Bingaman, Chair of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 110th United States Congress.

POM-457. A resolution adopted by the House of Representatives of the State of Pennsylvania endorsing the request for Federal funding to address vitally important water resource needs; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 719

Whereas, the water resources of the Commonwealth of Pennsylvania are vitally important for domestic purposes, production of food and fiber, power generation, industrial and commercial purposes and recreational uses; and

Whereas, the Commonwealth of Pennsylvania is a member of several interstate river basin commissions, including the Susquehanna River Basin Commission, the Delaware River Basin Commission and the Interstate Commission on the Potomac River Basin, hereinafter referred to as the "Mid-Atlantic Commissions"; and

Whereas, the jurisdiction of the Mid-Atlantic Commissions encompasses approximately two-thirds of the land area of this Commonwealth and approximately two-thirds of the stream miles in the State; and

Whereas, the Mid-Atlantic Commissions provide invaluable water resource functions, including planning and management activities to avoid conflicts between states sharing the same watersheds and among water users; and

Whereas, the Mid-Atlantic Commissions were established by legislation enacted by the Commonwealth of Pennsylvania and the other member jurisdictions to each of the compacts, including the Federal Government; and

Whereas, the interstate compacts that were created as a result of this legislation require their member jurisdictions, including the Federal Government, to provide equitable shares of funding in support of the Mid-Atlantic Commissions' annual expense budgets; and

Whereas, the Federal Government has provided no direct funding to the Mid-Atlantic Commissions for the past decade in fulfillment of its interstate compact obligations, resulting in the burden of financial responsibility being shifted to the member states of the Mid-Atlantic Commissions, including the Commonwealth of Pennsylvania; and

Whereas, the President of the United States did not request funding in his budget request for fiscal year 2009 to fulfill the Federal Government's equitable share of funding in support of the Mid-Atlantic Commissions' annual expense budgets for fiscal year 2009; and

Whereas, the 110th Congress of the United States, in its first session, enacted the Water Resources Development Act of 2007; and

Whereas, section 5019(b) of the Water Resources Development Act of 2007 requires the Secretary of the Army to allocate funds to the Mid-Atlantic Commissions to fulfill the equitable funding requirements of the respective interstate compacts; and

Whereas, the Mid-Atlantic Commissions have officially requested that funding be included in the fiscal year 2009 Energy and

Water Development Appropriations Bill in the amount of \$1 million for the Susquehanna River Basin Commission, \$715,000 for the Delaware River Basin Commission and \$650,000 for the Interstate Commission on the Potomac River Basin; and

Whereas, Federal funding is needed for the Mid-Atlantic Commissions to address vitally important water resource needs, among them the establishment of flow targets to guide the Susquehanna River Basin Commission's management of major withdrawals in the Susquehanna River Basin, the initiation of flood mitigation activities in the Delaware River Basin and the coordination with community leaders on drinking water source water protection activities; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania wholeheartedly endorse the request of the Mid-Atlantic Commissions for funding from the Federal Government in fiscal year 2009; and be it further

Resolved, That all members of the Commonwealth of Pennsylvania's Congressional Delegation are strongly encouraged to actively support the funding request of the Mid-Atlantic Commissions; and be it further

Resolved, That the United States Senate and the United States House of Representatives Appropriations Subcommittees on Energy and Water Development be urged to place a high priority on the request of the Mid-Atlantic Commissions and to include said request in the fiscal year 2009 Energy and Water Development Appropriations Bill; and be it further

Resolved, That pursuant to the requirements of section 5019(b) of the Water Resources Development Act of 2007, the Secretary of the Army be urged to recommend funds for the Mid-Atlantic Commissions in the fiscal year 2010 budget it submits to the Office of Management and Budget; and be it further

Resolved, That pursuant to the requirements of the interstate compacts of the Mid-Atlantic Commissions, the President of the United States be urged to include funds for the Federal Government's equitable share of funding in support of the Mid-Atlantic Commissions' 2010 budget in the President's 2010 budget request; and be it further

Resolved, That the Senate of the Commonwealth of Pennsylvania and the governors and general assemblies of the other member states of the Mid-Atlantic Commissions be urged to consider the adoption of similar resolutions; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, the chairmen and ranking members of the United States Senate and United States House of Representatives Appropriations Subcommittees for Energy and Water Development, the Secretary of the Army, the director of the Office of Management and Budget, each member of Congress from Pennsylvania and the governors and general assemblies of New Jersey, Delaware, Maryland, New York, Virginia and West Virginia.

POM-458. A resolution adopted by the House of Representatives of the State of Pennsylvania directing the Joint State Government Commission to conduct an in-depth study of the subject of developments of regional significance and impact; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 845

Whereas, on September 19, 2006, a massive landslide occurred in Kilbuck Township, Allegheny County; and

Whereas, on October 24, 2006, the House of Representatives adopted House Resolution 897, which directed the Joint State Government Commission to conduct an in-depth investigation into the September 19, 2006, landslide and compile a report on its findings and recommendations; and

Whereas, House Resolution 897 authorized the appointment of a four-member legislative task force and an advisory committee to assist the task force in this undertaking; and

Whereas, the advisory committee established under House Resolution 897 represented a broad range of expertise and interests and included attorneys, geologists, engineers, land use planners, representatives of local and county governments, representatives of community development organizations, environmental advocates, representatives of Communities First!, the executive director of the Joint Legislative Air and Water Pollution Control and Conservation Committee, a representative from the Department of Conservation and Natural Resources, a representative from the Department of Environmental Protection and a representative from the Department of Transportation; and

Whereas, the task force and advisory committee noted that possible issues contributing to the Kilbuck landslide included geologically hazardous conditions at the site, inadequate coordination among regulatory decisionmakers and lack of capacity by some municipalities, particularly with respect to approvals of large, complex developments; and

Whereas, the task force and advisory committee agreed to address the following seven subject areas that could help prevent the occurrence of such landslides:

- (1) revisions to the Pennsylvania Municipalities Planning Code;
- (2) regional planning and review;
- (3) resources to local governments;
- (4) the permitting and inspection process;
- (5) coordination of agencies' actions;
- (6) standing and jurisdiction; and
- (7) disclosure of geologic concerns; and

Whereas, the task force and advisory committee reached consensus on findings and recommendations as contemplated by House Resolution 897; and

Whereas, on June 9, 2008, the task force authorized the release of the report of the task force and advisory committee and the introduction of the legislation contained in the report; and

Whereas, as part of the findings and recommendations contained in the report, the task force and advisory committee acknowledged that further consideration, discussion and analysis should be given to the subject of developments of regional significance and impact, which was addressed only briefly in the report; and

Whereas, the members of the task force and advisory committee desired to continue their work regarding the subject of development of regional significance and impact; and

Whereas, the task force recommended that further consideration, discussion and analysis regarding the subject of developments of regional significance and impact should be authorized by a new resolution; therefore be it

Resolved, That the Joint State Government Commission be authorized to reconstitute the task force and advisory committee established under House Resolution 897 to conduct an in-depth study of the subject of developments of regional significance and impact; and be it further

Resolved, That the composition of the reconstituted advisory committee be modified as necessary and that additional persons may be appointed as members of the advisory committee; and be it further

Resolved, That the Joint State Government Commission compile a report based on the findings and recommendations of the reconstituted task force and advisory committee and submit the report to the House of Representatives as soon as possible but no later than two years following the adoption of this resolution.

POM-459. A joint resolution adopted by the Alaska State Legislature opposing the enactment of the Protect America's Wildlife Act of 2007 that intends to prohibit aerial hunting of wildlife; to the Committee on Environment and Public Works.

CSHJR 31(RES)

Whereas the Alaska Department of Fish and Game has experienced and knowledgeable biologists familiar with Alaska wildlife; and

Whereas the Alaska Board of Game openly discusses game management at board meetings and makes decisions based on scientific data; and

Whereas Alaska is a sovereign government within the United States with its own Board of Game responsible for managing the wildlife asset to be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses, under art. VIII, sec. 4, Constitution of the State of Alaska; and

Whereas many areas in Alaska are accessible only by boat or aircraft; and

Whereas Alaska presents unique living and wildlife situations of which many people outside the state might not be aware; and

Whereas there is no shortage of predators in Alaska; and

Whereas predator imbalance will destroy other species that are important to the ecosystem of Alaska; and

Whereas there is legislation before the United States Congress to prevent aerial predator control; and

Whereas the use of aircraft is a necessary tool for managing the asset of game animals to provide for abundance for personal use in Alaska; and

Whereas much of Alaska's wildlife represents a natural food source for many Alaskans; therefore, be it

Resolved, That the Alaska State Legislature urges all members of the United States Congress to oppose H.R. 3663, the Protect America's Wildlife Act of 2007; and be it further

Resolved, That management of fish and game in Alaska should be left to the experts in state. Copies of this resolution shall be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice President of the United States; and President of the U.S. Senate; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and all other members of the 110th United States Congress.

POM-460. A resolution adopted by the Senate of the State of Michigan memorializing the United States Congress to enact legislation to help revitalize the economy in states with exceptionally high rates of unemployment by the creation of a Recovery State Renaissance Zone Act; to the Committee on Finance.

SENATE RESOLUTION NO. 222

Whereas, our nation, the state of Michigan in particular, is being buffeted by the tumultuous seas of economic change. Global manufacturing shifts have had a disproportionate impact on the Great Lake State's manufacturing sector. Indeed, despite years of diversifying our economy and streamlining our state's governmental operations, Michigan continues to be one of those states trapped in this economic maelstrom; and

Whereas, according to the latest U.S. Department of Labor employment statistics, Michigan continues to lead the nation in the

rate of unemployment. Our average unemployment rate has exceeded the national average by more than 50 percent in each of the past two calendar years, and the state is on track to break this mark again in 2008. This disparity clearly points to the fact that Michigan cannot wait for its long-term economic development initiatives to see fruition. The need for federal assistance in our efforts is immediate and pressing; and

Whereas, Congress must enact a federal law that mirrors Michigan's Renaissance Zone statute to create federal Renaissance Zones. States with average unemployment rates of 50 percent above the national average for at least the past two years must be designated as renaissance states. As renaissance states, they would qualify for two recovery benefits: (1) a statewide 100 percent increase in the federal investment tax credit; and (2) the ability to designate certain areas of the state as exempt from federal corporate taxes with a cap of \$1 billion per year; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the Congress of the United States to enact legislation to help revitalize the economy in states with exceptionally high rates of unemployment by the creation of a Recovery State Renaissance Zone Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-461. A joint resolution adopted by the California Legislature encouraging the President and the Congress of the United States to provide a long-term extension of the investment and production tax credits for all renewable energy technologies; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 27

Whereas, a diverse energy portfolio will result in a reduction of greenhouse gas emissions, create jobs, stimulate economic growth and investment, and encourage a secure energy future; and

Whereas, a diverse energy portfolio will better position the nation's energy system to respond to new local, regional, and environmental challenges and population growth, and will take advantage of the development of new technologies that will lower the cost of renewable energy; and

Whereas, Congress has shown a multiyear commitment to supporting the development of a diverse energy portfolio by implementing and repeatedly extending federal tax credits for renewable energy; and

Whereas, extending the federal investment and production tax credits will ensure continued robust growth of the renewable energy industry, which will help protect the American economy from energy shortages and price spikes that are harmful to business and consumers and are disruptive to investment; and

Whereas, in 2008, there were over 42,000 megawatts of renewable energy power generation projects under development in 45 states; and

Whereas, the federal investment and production tax credits will provide the market stability and investor confidence that is necessary in the wind, solar, geothermal, small irrigation power, municipal solid waste, non-com ethanol-based closed-loop and open-loop biomass, and small hydropower sectors to encourage increased investment and growth in these technologies; and,

Whereas, extending the federal investment and production tax credits for renewable energy sources will create more than 100,000

jobs, will attract tens of billions of dollars in investment within the next year, and will continue to create thousands of jobs at high, medium, and entry levels; and

Whereas, extending the federal investment and production tax credits for renewable energy sources will foster new business opportunities within California and generate revenue for local economies; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California encourages the President and the Congress of the United States to provide a long-term extension of the investment and production tax credits for all renewable energy technologies; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM-462. A joint resolution adopted by the Alaska State Legislature opposing the imposition of the milk tax on Alaskans; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 16

Whereas Alaska residents consume more milk, cheese, butter, yogurt, and other dairy products than Alaska dairy farmers are able to produce, making Alaska a "milk-deficit" state; and

Whereas, because of their milk-deficit status, the United States Congress wisely excluded Alaska, Hawaii, and Puerto Rico from the mandatory dairy promotion assessment or "milk tax" of the Dairy Production Stabilization Act of 1983; and

Whereas this exemption was maintained in the Farm Security and Rural Investment Act of 2002; and

Whereas the National Milk Producers Federation and other dairy interests in the lower 48 states want to extend the milk tax to Alaska dairy farmers; and

Whereas the milk tax would require Alaska dairy farmers to pay into the national dairy promotion program that presently benefits only the lower 48 states and does nothing to help Alaska dairy farmers or consumers; and

Whereas Alaska dairy farmers and consumers cannot benefit from the various dairy promotion, advertising, and research programs funded by the milk tax imposed on milk marketed by dairy farmers in the lower 48 states; and

Whereas the mandatory dairy promotion assessment would constitute an onerous, costly, and unacceptable new milk tax on all Alaskans, including dairy farmers, consumers, school children, day care centers, residents of rural Alaska, Alaska Natives, small businesses, and others who would be forced to pay more for milk and dairy products that already are among the most expensive in the nation; be it

Resolved, That the Alaska State Legislature strongly condemns and resolutely opposes imposition of the milk tax on Alaskans.

POM-463. A joint resolution adopted by the Alaska State Legislature urging the United States Congress to enact H.R. 2419, sec. 12801; to the Committee on Finance.

CSHJR No. 14

Whereas it is well documented that the Exxon Valdez oil spill has adversely affected the coastal region of the state and affected the economic status of communities in this region for many years; and

Whereas the state's commercial fishermen, who make up 80 percent of the plaintiffs

seeking to recover damages from the Exxon Valdez oil spill, suffered economically as a result of the oil spill and, as a result, lost the opportunity to establish retirement plans or were limited in their ability to save for retirement; and

Whereas these Alaskans would benefit from the contributions to retirement accounts they could make by using money received from the award of damages; and

Whereas H.R. 2419, sec. 12801, would benefit these commercial fishermen by authorizing increases in the deductions and income caps applicable to traditional individual retirement accounts, Roth IRAs, and other qualified retirement plans to the extent of the amount of the damage award; and

Whereas the bill would authorize individual plaintiffs to average income from the award for tax purposes over the period January 1, 1994, through the end of the year in which the award is made: Therefore be it

Resolved, That the Alaska State Legislature urges the United States Congress to enact H.R. 2419, sec. 12801, to provide relief to those individuals who suffered economic damages as a result of the Exxon Valdez oil spill.

POM-464. A joint resolution adopted by the Alaska State Legislature urging the United States Congress to repeal sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005); to the Committee on Finance.

CSHJR No. 41

Whereas sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will require states, cities, counties, and boroughs that spend more than \$100,000,000 each year on goods and services after December 31, 2010, to withhold three percent of their payments to nearly all vendors and contractors for federal income purposes and to report nonwage payments; and

Whereas sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) was added by a congressional conference committee without benefit of any public hearings in either the United States House of Representatives or the United States Senate; and

Whereas, although sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) was inserted into the legislation to save approximately \$7,000,000,000 in federal taxes between 2011 and 2015, the effect of the provision is to increase the burden and costs to state and local governments by making these governments uncompensated and involuntary federal tax collectors because no federal funding is provided to cover the costs of implementing sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005); and

Whereas sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) creates another unfunded federal mandate that will add a cost to state and local governments that exceeds the threshold of P.L. 104-04 (Unfunded Mandates Reform Act of 1995), and sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will therefore short-circuit the public process required by P.L. 104-04 (Unfunded Mandates Reform Act of 1995) and thus violate that Act; and

Whereas the Department of Administration, the University of Alaska, the Municipality of Anchorage, the Fairbanks North Star Borough, and the Anchorage School District, all governmental entities in Alaska that are affected by sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005), have expressed serious concerns about it and have urged its repeal; and

Whereas local governmental officials have stated that sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of

2005) will be extremely difficult and expensive to implement, requiring major programming changes to financial and accounting systems and the hiring of additional staff; and

Whereas, because of the three percent withholding requirement, local businesses will be discouraged from bidding on state and local governmental contracts for products and services, thereby dampening competitive bidding and driving up the prices to offset the three percent withholding, and this, in turn, is likely to increase the cost of procurement by state and local governments; and

Whereas sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will pose significant difficulties for the State of Alaska in its efforts to procure goods and services for the state, because

(1) the state accounting system is 23 years old and cannot accommodate mandatory backup withholding;

(2) it would take about a year to make the necessary systemic changes and require substantial additional record keeping to reconcile the amounts paid to vendors and those amounts reported and remitted to the Internal Revenue Service;

(3) obtaining exemptions to sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) would be difficult and costly; and

(4) vendors might inflate their bids to compensate for the tax withheld, resulting in higher prices to the state; and

Whereas the state government accounting system does not currently have the capability to withhold vendor payments, and the state need only report payments for services over \$600 a year to each unincorporated vendor; sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will increase the accounting burden on the state by

(1) requiring most but not all payments, no matter how small, to be reported, an extremely expensive and burdensome mandate;

(2) requiring payments to all corporations to be reported, significantly increasing the number of vendors for which information reports would have to be submitted to the Internal Revenue Service;

(3) requiring withholding on credit card purchases, a process unknown complexity; and

(4) exempting certain types of payments that will likely require manual intervention, which would drive up the cost of compliance with sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) even further; and

Whereas government agencies will have to obtain employee identification numbers or social security numbers for numerous individual vendors to allow reporting to the Internal Revenue Service, thereby invading those citizens' rights of privacy and exposing them to the dangers of identity theft; and

Whereas complying with sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will have serious adverse effects on the procurement practices of larger local governments in Alaska; for example, the Municipality of Anchorage, the state's largest city, with a population of about 261,446, which is 42 percent of the State's total population, will incur costs of approximately \$250,000 a year to reprogram municipal computers and financial systems, plus an estimated \$100,000 to \$200,000 a year of additional costs for ongoing operating expenses; the Municipality of Anchorage's financial computer system is not set up for this procedure and will require extensive modifications at a significant cost, including the hiring of at least one full-time municipal employee; the use of procurement cards by

the Municipality of Anchorage may have to be discontinued, and the use of checks, which are slower and more costly, may be re-instituted; the Municipality of Anchorage's online purchasing system will have to be modified and likely will no longer be cost-effective; and

Whereas the additional costs of complying with sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will place the State of Alaska and Alaska local governments at a competitive disadvantage in the procurement of goods and services; and

Whereas, as a result of these burdens and difficulties, the state and affected local governments believe that sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005) will not accomplish its stated goal of closing the budget gap; and

Whereas these concerns were previously expressed by the state to the United States Congress through the National Association of State Auditors, Comptrollers and Treasurers; and

Whereas S. 777 and H.R. 1023 have been introduced in the 110th United States Congress to repeal sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005); Therefore be it

Resolved, That the Alaska State Legislature urges the United States Congress to repeal sec. 511 of P.L. 109-222 (Tax Increase Prevention and Reconciliation Act of 2005).

POM-465. A resolution adopted by the Senate of the State of Pennsylvania relative to hydrocephalus; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 406

Whereas, hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain; and

Whereas, there is no known cure for hydrocephalus, which affects an estimated one million Americans; and

Whereas, out of every 1,000 babies, one to two are born with hydrocephalus; and

Whereas, more than 375,000 older Americans have hydrocephalus, which often goes undetected or misdiagnosed as dementia, Alzheimer's disease or Parkinson's disease; and

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives; and

Whereas, the standard treatment for hydrocephalus was developed in 1952 and carries multiple risks, including shunt failure, infection and over drainage; and

Whereas, there are fewer than ten centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus; and

Whereas, each year, the people of the United States spend in excess of \$1 billion to treat hydrocephalus; and

Whereas, a September 2005 conference sponsored by seven institutes of the National Institutes of Health, and entitled, "Hydrocephalus: Myths, New Facts, Clear Directions," resulted in efforts to initiate new, collaborative research and treatment efforts; and

Whereas, the Hydrocephalus Association is one of the nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus; and

Whereas, further research into the epidemiology, pathophysiology, disease burden and improved treatment of hydrocephalus should be conducted or supported; and

Whereas, public awareness and professional education regarding hydrocephalus should increase through partnerships between the

Federal Government and patient advocacy organizations, such as the Hydrocephalus Association; therefore be it

Resolved, That the Senate urge the Federal Government to collect comprehensive statistical and data regarding the seriousness of hydrocephalus and its impact on American families; and be it further

Resolved, That the Senate designate the month of November 2008 as "Hydrocephalus Awareness Month" in Pennsylvania so that Pennsylvanians can become more familiar with hydrocephalus and the individuals dedicated to finding its cure.

POM-466. A resolution adopted by the House of Representatives of the State of Pennsylvania expressing support for National Food Safety Education Month; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 896

Whereas, in 1994, the National Restaurant Association Educational Foundation's (NRAEF) International Food Safety Council created "National Food Safety Education Month" as an annual campaign; and

Whereas, the purpose of "National Food Safety Education Month" is to strengthen food safety education and training among persons in the restaurant and food service business and to educate the public on the safe handling and preparation of food; and

Whereas, there are more than 200 known foodborne diseases caused by viruses, toxins and metals and usually stemming from the improper handling, preparation or storage of food; and

Whereas, bacteria are the common cause of the foodborne illness; and

Whereas, foodborne illness costs the United States economy billions of dollars each year in lost productivity, hospitalization, long-term disability and even death; and

Whereas, the United States Department of Agriculture estimated that in 2000, medical costs and losses in productivity resulting from five bacterial foodborne pathogens was \$6.9 billion; and

Whereas, it is estimated that in 2001 the annual cost of salmonellosis caused by the *Salmonella* bacteria was \$2.14 billion, including medical costs, the cost of time lost from work and the cost or value of premature death; and

Whereas, the Centers for Disease Control and Prevention (CDC) estimates that in the United States, there are 76 million illnesses, 325,000 hospitalizations and 5,000 deaths per year due to consumption of food contaminated with pathogenic microorganisms; and

Whereas, numerous cases have occurred in the United States and the Commonwealth of Pennsylvania: 2007—*Salmonella* from peanut butter in 44 states, 425 cases; 2006—*E. coli* in eight states from fresh spinach, 205 cases, including 3 deaths; and 2003—hepatitis A from Chi-Chi's sourced green onions in the Commonwealth of Pennsylvania; and

Whereas, up to 2,000 cases of salmonellosis occur each year in the Commonwealth of Pennsylvania; and

Whereas, following four simple steps, consumers can keep food safe from bacteria: clean—wash hands and surfaces often; separate—do not cross-contaminate; cook—cook to proper temperature; and chill—refrigerate promptly; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania express full and enthusiastic support for "National Food Safety Education Month" in September 2008; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-467. A resolution adopted by the House of Representatives of the State of Michigan memorializing the Congress and the President of the United States to enact the Breast Cancer Patient Protection Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 296

Whereas, in spite of progress that has been made in its diagnosis and treatment, breast cancer remains one of the most serious threats to the health of women. Its devastating impact is felt across our country. According to the American Cancer Society, excluding cancers of the skin, breast cancer is the most common cancer among women and accounts for one of every 4 cancers diagnosed. It is estimated that 178,000 new cases of invasive breast cancer were identified in 2007 and that an estimated 40,000 women died; and

Whereas, although the frightening realities of breast cancer can strike any woman, success in combating the disease is, unfortunately, less universal. A patient's chances of survival are increased with early identification of the disease, access to good care at all stages of treatment, and comprehensive monitoring afterwards; and

Whereas, congress is considering legislation that would take a strong step in the effort to combat breast cancer in our country. The Breast Cancer Patient Protection Act, S. 459 and H.R. 758, would require health plans to provide coverage for minimum hospital stays for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer, as well as secondary consultations. Among the legislation's specific provisions is a requirement that a patient undergoing a mastectomy or lumpectomy to treat breast cancer be permitted a hospital stay of no less than 48 hours; and

Whereas, the Breast Cancer Patient Protection Act would increase access to a level of care that can save lives and mitigate suffering; now, therefore, be it

Resolved, By the House of Representatives, that we memorialize the Congress and the President of the United States to enact the Breast Cancer Patient Protection Act; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-468. A resolution adopted by the House of Representatives of the State of Michigan relative to Agent Orange and Parkinson's disease; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 273

Whereas, Agent Orange was an herbicide used in Vietnam to kill unwanted plants and to remove leaves from trees which otherwise provided cover for the enemy. After its use, it was realized that Agent Orange contained dioxin, which is related to a number of diseases, cancers, and other disorders. Many U.S. veterans are known to have been exposed to significant amounts of Agent Orange while fulfilling their military obligations; and

Whereas, as required by law, the U.S. Department of Veterans Affairs (VA) recognizes many diseases as being associated with Agent Orange, including chloracne, acute peripheral neuropathy, and numerous cancers such as Hodgkin's disease, multiple myeloma, and prostate cancer. Veterans who served in Vietnam between January 9, 1962, and May 7, 1975, and who acquire one of the recognized diseases are entitled to VA-fur-

nished hospital care, medical services, and possibly nursing home care; and

Whereas, several studies performed at internationally recognized research institutions, including St. Jude Children's Research Hospital, have linked Parkinson's disease to Agent Orange and other pesticides. Research work at St. Jude Children's Research Hospital linked genetic alterations associated with an increased risk of Parkinson's disease to pesticide exposures; and

Whereas, Parkinson's disease should be added to the VA list of recognized diseases associated with Agent Orange. The Department of Veterans Affairs Regional Office in Winston-Salem, North Carolina, has determined in two cases that the Parkinson's disease of veterans could have been caused by their contact with Agent Orange while on active military duty; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to acknowledge that the neurological disorder known as Parkinson's disease can be caused by exposure to Agent Orange and to require that the United States Department of Veterans Affairs offer assistance to U.S. Military members who, while serving their country, have acquired Parkinson's disease through their exposure to Agent Orange; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Secretary of the U.S. Department of Veterans Affairs.

POM-469. A resolution adopted by the House of Representatives of the State of Michigan urging the Congress of the United States and the United States Department of Agriculture to continue to promote and prioritize the establishment of local farm-to-school initiatives; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 413

Whereas, local farm-to-school initiatives improve child nutrition and promote local farming communities. These programs emphasize the purchase and availability of fresher and more nutritious local foods for consumption in schools. In addition, they provide an opportunity for students to gain a greater appreciation of where their food comes from and enhance markets for local farmers. Strong local markets reduce food costs and fuel use associated with transporting foods long distances and increase food security; and

Whereas, the federal government plays a critical role in the success of local farm-to-school initiatives. Federal support can make the difference between a successful farm-to-school program and a failed one. In particular, placing a priority on farm-to-school programs and giving schools flexibility in the use of federal funding received for school meal programs would make a huge difference; and

Whereas, the 2008 federal farm bill (P.L. 110-246) made major strides to remove roadblocks and encourage the establishment of farm-to-school initiatives. Under the enacted bill, schools will now be able to show a preference for locally grown and raised foods without risking the loss of critical funds. In addition, the bill authorizes funding for grants that may be used to make fresh fruits and vegetables available in elementary schools and develop hands-on school vegetable gardening and nutrition education programs at high-poverty schools; and

Whereas, the promise of the 2008 federal farm bill will only be met if Congress and the U.S. Department of Agriculture follow

through and continue to expand on the commitments made. Full funding, regulatory flexibility, and a cooperative and collaborative relationship with the states and local schools are needed to maintain the momentum; now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States and the U.S. Department of Agriculture to continue to promote and prioritize the establishment of local farm-to-school initiatives; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Secretary of Agriculture.

POM-470. A joint resolution adopted by the California Legislature relative to fibromyalgia; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 25

Whereas, fibromyalgia is defined by the American College of Rheumatology as a disabling pain condition. Fibromyalgia symptoms include chronic pain throughout the body, extreme fatigue, sleep disorders, stiffness, weakness, migraine headaches, and impairment of memory and concentration; and

Whereas, fibromyalgia is a common condition with no known cure that affects women, men, and children of all ethnicities; and

Whereas, an estimated 10 million people in the United States and millions of people worldwide have been diagnosed with fibromyalgia; and

Whereas, there is no test for fibromyalgia, so it often takes an average of five years to receive a diagnosis. Furthermore, medical professionals are frequently inadequately educated on diagnosis and treatment of fibromyalgia; and

Whereas, many fibromyalgia patients find themselves underinsured or uninsured because they are too sick to work or have been denied health care coverage and access to treatments because they have fibromyalgia; and

Whereas, fibromyalgia costs the United States health care system \$20 billion annually and strongly impacts families who experience lost wages and extensive out-of-pocket medical costs; and

Whereas, the California Legislative Women's Caucus recognizes that 80 percent of fibromyalgia patients are women, that hundreds of thousands of those affected by fibromyalgia live in California, and that there is an urgent need to respond to the vast needs of this patient population; and

Whereas, the California Legislative Women's Caucus has taken the National Fibromyalgia Association's Pledge to Care by advocating for improved treatments, expanded research, comprehensive health insurance coverage, and increased awareness of fibromyalgia; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature respectfully urges the Congress of the United States to accelerate the federal investment in fibromyalgia research at the National Institutes of Health, to ensure adequate Medicare and Medicaid reimbursement and coverage of fibromyalgia therapies, and to launch a multifaceted public awareness campaign on fibromyalgia; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

POM-471. A joint resolution adopted by the Alaska State Legislature relative to the funding for special education in public schools; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 29

Whereas the Constitution of the State of Alaska and other laws and policies of the state require educational opportunities for all children, including children with disabilities; and

Whereas enactment of the Individuals with Disabilities Education Act by the United States Congress transferred from the states to the federal government decisions pertaining to the provision of education and related services to students with disabilities; and

Whereas the Individuals with Disabilities Education Act requires the provision of a "free appropriate public education" for students with disabilities; and

Whereas the Individuals with Disabilities Education Act authorized the federal appropriation of a sum equal to 40 percent of the average per-pupil expenditure for general education students under 34 C.F.R. 300.701(a)(1); and

Whereas the Unfunded Mandates Reform Act of 1995 (P.L. 104-4, March 22, 1995) provides that "the federal government should not shift certain costs to the States, and States should end the practice of shifting costs to local governments"; and

Whereas, according to recent estimates, Alaska received approximately 16 percent of the total cost of providing a free appropriate public education for students with disabilities from the Congress for Part B services under the Individuals with Disabilities Education Act; and

Whereas the lack of adequate federal funding for students with disabilities has forced states and local school districts to make up the difference through payments made for other critical education programs; and

Whereas the lack of adequate federal funding for federally mandated services under the Individuals with Disabilities Education Act places a tremendous strain on all Alaska public school districts and on the ability of the districts to provide quality education for all students; and

Whereas Alaska shares with every other state a chronic shortage of qualified special education teachers; and

Whereas teacher preparation programs would benefit from full federal funding of the Individuals with Disabilities Education Act by attracting prospective applicants interested in a career of teaching special education; and

Whereas the underfunding of special education programs affects the depth of services provided to students with disabilities; and

Whereas, despite significant strides made in increasing and enhancing public education for students with disabilities, many of those students still do not receive the services and assistance they need to succeed in public schools; and

Whereas the federal No Child Left Behind Act requires that 100 percent of students with disabilities attain proficiency in meeting state education standards by the end of the 2013-2014 school year; and

Whereas improvement in the rate of proficiency of students in meeting state education standards is a primary indicator of school success under the No Child Left Behind Act, creating the need for public school districts to provide greater access to and progress in the general curriculum for students with disabilities; and

Whereas the task of meeting the rising costs associated with attaining proficiency in the general curriculum for students with

disabilities requires a strong partnership between local, state, and federal government agencies; now, therefore, be it

Resolved, That the Alaska State Legislature strongly urges the President of the United States and the United States Congress to fulfill their obligation to provide adequate funding of educational services for students with disabilities by providing 40 percent of the average per-pupil expenditure for general education students in Alaska as authorized in the Individuals with Disabilities Education Act.

POM-472. A joint resolution adopted by the Alaska State Legislature urging the United States Congress to reauthorize the Debbie Smith DNA backlog grant program; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 34

Whereas DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system, but is not yet considered a routine tool for criminal identification by law enforcement; and

Whereas over 50,000 law enforcement investigations have already been aided nationwide because of DNA matches made through the Federal Bureau of Investigation's Combined DNA Index System, bringing justice to victims and removing criminals from the streets; and

Whereas the Innocence Project has used DNA in over 200 cases to exonerate persons who were wrongfully convicted of crimes; and

Whereas Alaska and other states throughout the nation have significantly expanded their DNA programs to include a growing number of convicted and arrested felons to match against unsolved crimes; and

Whereas the demand for DNA testing in both violent and nonviolent crimes has continued to increase as the reliability of this evidence is proven; and

Whereas many laboratories still maintain DNA backlogs of six months or longer and are unable to meet the growing demand for DNA testing, despite funding commitments from state and local governments; and

Whereas the Debbie Smith DNA backlog grant program has permitted state and local governments an opportunity to begin to maximize the full potential of forensic DNA through backlog reduction, but much work remains to be done; Now, therefore, be it

Resolved, That the Alaska State Legislature strongly urges the United States Congress to reauthorize the Debbie Smith DNA backlog grant program at current or increased levels.

POM-473. A joint resolution adopted by the Alaska State Legislature encouraging the repeal of the Real ID Act of 2005; to the Committee on the Judiciary.

RESOLUTION NO. 68

Whereas the federal government has failed to show any measurable evidence that the implementation of the Real ID Act of 2005 will make our borders more secure and better protect our citizens from terrorism; and

Whereas the state, under the Tenth Amendment to the Constitution of the United States, has always exercised its exclusive power to establish standards and regulations for the issuance of Alaska state driver's licenses and Alaska state identification cards; and

Whereas the federal government imposes a huge fiscal burden on the division of motor vehicles to implement the Real ID Act of 2005; and

Whereas noncompliance with the Real ID Act of 2005 will result in the federal government punishing individual Alaskans for the actions of the state by placing limitations on

Alaska residents' freedom of travel and access to federal facilities: Now, therefore, be it

Resolved That the Alaska State Legislature does not believe government should wage the war on terrorism at the expense of states' rights and liberties of citizens protected by the United States Constitution and the Bill of Rights; and be it further

Resolved, That the Alaska State Legislature does not believe the Real ID Act of 2005 will make the United States measurably safer and encourages the United States Congress to repeal the Real ID Act of 2005.

POM-474. A resolution adopted by the House of Representatives of the State of Pennsylvania memorializing Congress to enact H. Res. 111, which establishes a Select Committee on Prisoners of War (POW) and Missing in Action (MIA) Affairs; to the Committee on Rules and Administration.

HOUSE RESOLUTION NO. 715

Whereas, it is essential to fully investigate unresolved cases involving military personnel who served in the Vietnam Conflict, Korean Conflict, World War II, Cold War and Gulf War and who are missing in action (MIA), otherwise unaccounted for or known to have been prisoners of war (POWs); and

Whereas, H. Res. 111, currently under consideration in Congress, would establish a select committee to be known as the Select Committee on POW and MIA Affairs; and

Whereas, the select committee will conduct a full investigation of all unresolved matters relating to any United States personnel unaccounted for from the Vietnam Conflict, Korean Conflict, World War II, Cold War and Gulf War; and

Whereas, it is appropriate that the select committee be established to conduct this investigation; and

Whereas, many of these POWs and MIAs are citizens of this Commonwealth; therefore be it

Resolved, That the House of Representatives memorialize Congress to enact H. Res. 111 and establish a Select Committee on POW and MIA Affairs; and be it further

Resolved, That a copy of this resolution be transmitted to each member of Congress from Pennsylvania.

POM-475. A joint resolution adopted by the Alaska State Legislature supporting federal funding for veterans' health care and urging the United States Congress to ensure adequate funding for veterans' health care; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION NO. 11

Whereas the United States Department of Veterans Affairs provides medical care for veterans who have risked their lives to protect the security of the nation; and

Whereas the United States Department of Veterans Affairs has the largest integrated health care system in the United States; and

Whereas the missions of the United States Department of Veterans Affairs include providing health care to veterans, educating and training health care personnel, conducting medical research, serving as backup to the United States Department of Defense, and supporting communities in times of crisis; and

Whereas the United States Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including treatment and care for spinal cord injury, blindness, traumatic brain injury, post traumatic stress disorder, amputation injuries, mental health and substance abuse, and conditions requiring long-term care; and

Whereas federal discretionary funding for veterans' health care is controlled by the executive branch and Congress through the budget and appropriation process; and

Whereas the United States Government Accountability Office report in 2005 highlighted the lack of resources and staffing available to the United States Department of Veterans Affairs for processing an increasing backlog of veterans' claims; and

Whereas discretionary funding for the United States Department of Veterans Affairs lags behind both medical inflation and the increased demands for services; for example, the enrollment for veterans' health care increased 134 percent between fiscal years 1996 and 2004, but funding only increased 34 percent during the same period when adjusted to 1996 dollars; and

Whereas former United States Secretary of Veterans Affairs Anthony Principi has publicly stated that the United States Department of Veterans Affairs has been struggling to provide health care to the rapidly rising number of veterans who require health care; be it

Resolved, That the Alaska State Legislature expresses its profound gratitude for the sacrifices made by veterans who suffer from medical or mental problems resulting from injuries that occurred while serving in the United States Armed Forces; and be it further

Resolved, That the Alaska State Legislature urges the United States Congress to ensure adequate funding for veterans' health care.

POM-476. A resolution adopted by the California State Lands Commission supporting the Ocean Conservation, Education, and National Strategy for the 21st Century Act (H.R. 21) and the National Oceans Protection Act of 2008 (S. 3314); to the Committee on Commerce, Science, and Transportation.

POM-477. A resolution adopted by the California State Lands Commission requesting that Congress continue to enact, and the President reinstitute, the moratorium on oil and gas leasing within protected offshore areas; to the Committee on Energy and Natural Resources.

POM-478. A resolution adopted by the legislature of the Republic of the Philippines thanking the U.S. Senate for the passage of S. 1315 known as the Veterans' Benefits Enhancement Act of 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment with a preamble:

S. Res. 707. An original resolution authorizing the President of the Senate to certify the facts of the failure of Joshua Bolten, as the Custodian of Records at the White House, to appear before the Committee on the Judiciary and produce documents as required by Committee subpoena (Rept. No. 110-522).

S. Res. 708. An original resolution authorizing the President of the Senate to certify the facts of the failure of Karl Rove to appear and testify before the Committee on the Judiciary and to produce documents as required by Committee subpoena (Rept. No. 110-522).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 967, a bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees (Rept. No. 110-523).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled "Activities of the Committee on Homeland Security and Governmental Affairs" (Rept. No. 110-524).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany S. 3477, a bill to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence (Rept. No. 110-525).

Report to accompany S. 1000, a bill to enhance the Federal Telework Program (Rept. No. 110-526).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1695. A bill to amend the Public Health Service Act to establish a pathway for the licensure of biosimilar biological products, to promote innovation in the life sciences, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 3691. A bill to amend the Commodity Exchange Act to require reporting and record-keeping for positions involving credit-default swaps, to grant the Federal Reserve Board authority over investment-bank holding companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS:

S. 3692. A bill to rescind Treasury Notice 2008-83; to the Committee on Finance.

By Mr. SANDERS (for himself, Mrs.

LINCOLN, and Mrs. BOXER):

S. 3693. A bill to limit the amount of compensation for employees and executives of financial institutions assisted under the Troubled Asset Relief Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SANDERS (for himself, Mr. INHOFE, and Mrs. LINCOLN):

S. 3694. A bill to amend the Emergency Economic Stabilization Act to limit obligations to \$350,000,000,000, absent majority approval by the Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENSIGN:

S. 3695. A bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3696. A bill to establish a grant program to encourage retooling of entities in the timber industry in Alaska, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 3697. A bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3698. A bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 3699. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for

small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself, Mr. SPECTER, Mr. LAUTENBERG, Mr. INOUE, Mr. BROWN, Ms. STABENOW, Mrs. FEINSTEIN, Mr. DODD, Mr. CASEY, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mrs. CLINTON, Mr. SCHUMER, Ms. SNOWE, Mr. MENENDEZ, and Mr. CARPER):

S. 3700. A bill to encourage and support the development of high-speed passenger rail transportation in the United States, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself and Mr. HATCH):

S. 3701. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3702. A bill to provide for full and open competition for Federal contracts related to natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 3703. A bill to ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 3704. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 3705. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to stop the small business credit crunch, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON:

S. 3706. A bill to amend part D of title IV of the Social Security Act to prohibit States from charging child support recipients for the collection of child support; to the Committee on Finance.

By Mrs. CLINTON:

S. 3707. A bill to recruit, train, and support principals for high-need schools who are effective in improving student academic achievement; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 3708. A bill to amend the Public Health Service Act with respect to health professions education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEAHY:

S. Res. 707. An original resolution authorizing the President of the Senate to certify the facts of the failure of Joshua Bolten, as the Custodian of Records at the White House, to appear before the Committee on the Judiciary and produce documents as required by Committee subpoena; from the Committee on the Judiciary; placed on the calendar.

By Mr. LEAHY:

S. Res. 708. An original resolution authorizing the President of the Senate to certify

the facts of the failure of Karl Rove to appear and testify before the Committee on the Judiciary and to produce documents as required by Committee subpoena; from the Committee on the Judiciary; placed on the calendar.

By Mr. KERRY (for himself, Ms. SNOWE, Mrs. BOXER, Ms. CANTWELL, and Mr. REED):

S. Res. 709. A resolution expressing the sense of the Senate that the United States should pursue the adoption of bluefin tuna conservation and management measures at the 16th Special Meeting of the International Commission on the Conservation of Atlantic Tunas; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 1130

At the request of Mr. SMITH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 2063

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2372

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2723

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 3256

At the request of Mrs. BOXER, the name of the Senator from Washington

(Ms. CANTWELL) was added as a cosponsor of S. 3256, a bill to provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

S. 3331

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3331, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 3359

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3359, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 3364

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 3364, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 3398

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 3398, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

S. 3483

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 3483, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 3487

At the request of Mr. KENNEDY, the names of the Senator from Nevada (Mr. REID) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 3487, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 3539

At the request of Ms. COLLINS, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3539, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 3663

At the request of Mr. ROCKEFELLER, the name of the Senator from North

Dakota (Mr. DORGAN) was added as a cosponsor of S. 3663, a bill to require the Federal Communications Commission to provide for a short-term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting.

S. 3683

At the request of Mr. INHOFE, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Vermont (Mr. SANDERS), the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3683, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 3684

At the request of Ms. MIKULSKI, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 3684, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction against individual income tax for interest in indebtedness and for State sales and excise taxes with respect to the purchase of certain motor vehicles.

S. 3685

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3685, a bill to prohibit the selling and counterfeiting of tickets for a Presidential inaugural ceremony.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Ms. SNOWE):

S. 3698. A bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator SNOWE to introduce legislation that will enhance transparency, strengthen oversight, and encourage responsible corporate governance for firms receiving financial lifelines from the Federal Government.

Our bill—the Accountability for Economic Rescue Assistance Act—will achieve four essential objectives.

It will prohibit firms receiving loans from the Federal Reserve or any of the \$700 billion economic rescue funds from Treasury from using this money for lobbying expenditures or political contributions; require that firms receiving

government assistance provide detailed, publically available quarterly reports to Treasury outlining how taxpayer dollars have been used; establish corporate governance standards to ensure that firms receiving federal assistance do not waste money on unnecessary expenditures; and, create penalties of at least \$100,000 per violation for firms that fail to meet the corporate governance standards established in the bill.

The need for such legislation has become apparent in the weeks since Congress approved the economic rescue plan.

Since then, news reports have uncovered multiple instances in which rescued firms have been caught making unnecessary and outrageous expenditures, which calls their assistance from taxpayers into question.

Last week, Treasury Secretary Paulson announced that the \$700 billion approved by Congress to stabilize financial markets would not be used to purchase illiquid assets but rather to make direct capital injections into financial institutions.

Given this new mission, the need for additional transparency and disclosure is striking.

We have learned that we cannot necessarily count on these firms and their executives to act sensibly and do what is right.

The public needs to know that their tax dollars are being put to good use. A simple "trust me" from the bank executives is not enough.

On October 16th, the Wall Street Journal reported that American Insurance Group, AIG, which received billions of dollars in Federal rescue funds, was continuing to lobby state regulators to delay implementation of strengthened licensing standards for mortgage brokers and lenders.

AIG was lobbying against sensible standards created by the SAFE Mortgage Licensing Act of 2008. This bill, introduced by Senator MARTINEZ and myself, established basic minimum regulations for the mortgage industry to ensure consumers were adequately protected.

Before this bill, in some states virtually anyone—even those with criminal records—could go out and get a mortgage broker's license.

Left unchecked, and with no regulations to stop them, unscrupulous mortgage brokers and lenders flooded the markets with subprime loans that they knew would never be paid back, and this served as one of the catalysts for our current economic predicament.

Now AIG, having succumbed to bad investments and propped up by billions in government money, was lobbying against the strong enforcement of state laws that might have helped prevent this catastrophe in the first place.

Senator MARTINEZ and I wrote a letter to AIG and, to the company's credit, CEO Edward Liddy immediately suspended the company's lobbying operations.

I find it completely unacceptable that taxpayer dollars intended to stabilize the economy could find their way into the bank accounts of lobbying firms. The legislation which I introduce today will make sure that doesn't happen.

I do not mean to pick on AIG, but they have also been the poster child for wasteful spending by rescued firms.

In September, just days after receiving an \$85 billion federal lifeline, the management of AIG treated itself to a \$444,000 spa weekend at the St. Regis resort in Monarch Beach, California. This included \$200,000 for rooms, \$150,000 for fine dining and \$23,000 in spa charges.

AIG executives spent the last two days of September on a golf outing at Mandalay Bay in Las Vegas at a cost of up to \$500,000. They were planning to follow this with a few days at the Ritz Carlton in Half Moon Bay, but cancelled after it hit the news and drew fire from Congressional leaders.

As news of these wasteful expenditures was making headlines, AIG received another \$37.8 billion in emergency loans from the Federal Government. Shortly thereafter, the Associated Press reported that—even as AIG was asking Congress for these loans—AIG executives were spending \$86,000 on a pheasant hunting expedition in England. During the trip, they stayed at a 17th century manor.

One AIG executive named Sebastian Preil was quoted as saying that: "The recession will go on until about 2011, but the shooting was great today and we are relaxing fine."

Once these lapses in judgment came to light, AIG chief executive Edward Liddy informed Congress that he was putting an end to all nonessential expenditures. Yet earlier this month, an undercover news crew caught AIG executives at the Hilton Squaw Peak Resort in Phoenix, hosting a seminar for financial planners complete with cocktails and limousines.

One would think that a brush with collapse and total failure might have a sobering effect on some of these firms.

But this penchant for wasteful junkets in the face of complete failure was not unique to AIG.

The Wachovia Corporation was caught shipping its top brokers off to the Greek Isles on a cruise ship for an all-expenses paid luxury trip—even as the company awaited a buyout potentially backed by taxpayers.

Wachovia cancelled the trip due to the storm of criticism attracted by this stunning display of what the ancient Greeks called hubris.

While the economic rescue legislation passed in September includes several oversight boards and accountability provisions to ensure that public funds are effectively distributed, the bill does not include any reporting requirements for firms that receive Federal dollars.

This is a significant omission, especially given the amount of Federal money that some firms are receiving.

The Treasury Department has already approved the purchase of \$160 billion of preferred stock in 30 financial institutions. We know that of these funds \$125 billion was allocated to nine large national banks.

It was also reported last week that AIG will receive an additional \$40 billion, meaning that at least \$165 billion of the economic rescue funding will be allocated to only 10 firms.

When you add up all of the taxpayer dollars put on the line—from \$30 billion provided to Bear Stearns in March, \$200 billion available to Fannie Mae and Freddie Mac, \$150 billion to AIG, \$700 billion in economic rescue funds, plus the direct lending programs at the Federal Reserve—we are talking about well over 1 trillion Federal dollars.

I certainly don't think it is unreasonable for the public to know how their money is being spent.

As the end of the year nears, we are approaching bonus time on Wall Street. Certainly Americans deserve assurances that struggling firms will not use public funds to pay higher bonuses.

The same can be said for these funds going towards dividend payments, or mergers and acquisitions.

Shining light on how firms use public dollars not only makes good sense, but it will also act as a deterrent to irresponsible behavior.

My vote on the economic stabilization bill was one of the toughest I have taken during my time in the Senate.

My office received more than 160,000 calls, letters, and e-mails from Californians concerned about this course of action.

But, I decided to support the bill to ensure that action would be quickly taken to ease the flow of credit to consumers and businesses.

Our economy continues to struggle today. The money approved by Congress must be used sensibly to ensure its maximum impact.

Americans are struggling, and the pain in my State of California, where unemployment is 7.7 percent, and foreclosure filings exceed 680,000 this year, is especially acute.

This bill puts in place commonsense solutions to fix some of the deficiencies in the economic stabilization bill.

This bill is significant and sorely needed. We must act soon to help restore confidence in this effort and shed light on how public funds are used. We promised the American people transparency and oversight, and this legislation will make good on that promise.

I hope my colleagues will join me to ensure that taxpayer dollars are spent efficiently and responsibly.

By Ms. SNOWE:

S. 3699. A bill to direct the Administrator of the Small Business Administration to reform and improve the HUBZone program for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today in support of the passage of the HUBZone Improvement Act of 2008. This vital legislation would address the Government Accountability Office's recent recommendations to improve the Small Business Administration's administration and oversight of the Historically Underutilized Business Zone, HUBZone, program and ensure that only eligible firms participate in this crucial program.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, I have been a longstanding champion for small business programs such as the HUBZone program. The HUBZone program provides Federal contracting assistance to small firms located in economically distressed areas, with the intent of stimulating economic development. According to the GAO, as of February 2008, 12,986 certified businesses have participated in the HUBZone program since its inception. And in fiscal year 2007, over 4,200 HUBZone firms obtained approximately \$8.1 billion in Federal contracts. In these troubling economic times, the HUBZone program is something our country needs now more than ever.

The mechanisms that the SBA uses to certify and monitor HUBZone firms provide limited assurance that only eligible firms participate in the program. Unfortunately, according to a recent GAO report and analysis of 125 applications submitted in September of 2007, the SBA only requested supporting documentation, which helps to clarify the status of the business, for 36 percent of the applications and only conducted a single site visit for all 125 applicants. While the SBA's policies and procedures require program examinations, the agency only conducts them on 5 percent of certified HUBZone firms each year. This is a glaring lack of oversight that must be rectified.

The legislation I introduce today, the HUBZone Improvement Act of 2008, would take immediate steps to correct the lack of effective administrative oversight by requiring more routine and consistent supporting documentation during the program's application process. In its report, the GAO found that the SBA relies on Federal law to identify qualified HUBZone areas, but the map it uses to publicize HUBZone areas is inaccurate, and the economic characteristics of designated areas vary widely. My bill would require that the SBA take immediate steps to correct and update the map that the SBA uses to identify HUBZone areas and implement procedures to ensure that the map is updated with the most recently available data on a more frequent basis.

The GAO also found that the mechanisms that SBA uses to certify and monitor firms provide limited assurance that only eligible firms participate in the program. The GAO found that more than 4,600 firms that had been in the program for at least 3 years

went unmonitored. My legislation would require the SBA to develop and implement guidance to more routinely and consistently obtain supporting documentation upon application and conduct more frequent site visits, as appropriate, to ensure that firms applying for certification are eligible. These commonsense achievable steps would help to eliminate participant fraud and misrepresentation, and ensure that firms applying for HUBZone certification are truly lawful and eligible businesses.

In its report, the GAO illustrates the SBA lack of a formal policy on how quickly it needs to make a final determination on decertifying firms that may no longer be eligible for the HUBZone program. According to the GAO, of the more than 3,600 firms proposed for decertification in fiscal years 2006 and 2007, more than 1,400 were not processed within 60 days—the SBA's targeted timeline. As a result of these weaknesses, there is an increased risk that ineligible firms have participated in the program and had opportunities to receive Federal contracts based on their HUBZone certification. My legislation would require the SBA to formalize and adhere to a specific timeframe for processing firms proposed for decertification in the future, as well as require further developed measures in assessing the effectiveness of the HUBZone program.

Moreover, the Federal Government must strive to continue to provide additional contracting opportunities to those who are legitimate HUBZone firms. I am dismayed by the innumerable ways that government agencies have time and again egregiously failed to meet most of their small business contracting goals. I am alarmed that only one Federal small business contracting program—the small disadvantage business program—has met its statutory goal, and that the three other small business goaling programs have all fallen drastically short. For example, in fiscal year 2007, the HUBZone program met only 2.2 percent of its three percent government-wide goal. The Federal Government can and must provide more to our country's hardworking small businesses.

In my home State of Maine, only 118 of 41,026 small businesses are qualified HUBZone businesses. HUBZones represent a tremendous tool for replacing lost jobs for our Nation's declining manufacturing and industrial sectors—clearly, this program should be better utilized.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "HUBZone Improvement Act of 2008".

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms "HUBZone" and "HUBZone small business concern" have the meanings given such terms in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "recertification" means determining whether a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 3. PURPOSE; FINDINGS.

(a) PURPOSE.—The purpose of this Act is to reform and improve the HUBZone program of the Administration.

(b) FINDINGS.—Congress finds the following:

(1) The HUBZone program was established under the HUBZone Act of 1997 (Public Law 105-135; 111 Stat. 2627) to stimulate economic development through increased employment and capital investment by providing Federal contracting preferences to small business concerns in economically distressed communities or HUBZone areas.

(2) According to the Government Accountability Office—

(A) as of February 2008, 12,986 certified firms have participated in the HUBZone program since its inception; and

(B) in fiscal year 2007, over 4,200 HUBZone small business concerns obtained approximately \$8,100,000,000 in Federal contracts.

(3) The Government Accountability Office also identified numerous concerns with the HUBZone program, including that—

(A) the Administration verifies the information received by the Administration from HUBZone small business concerns in limited instances and has limited assurances that only eligible firms participated in the HUBZone program;

(B) by not obtaining documentation and conducting site visits on a more routine basis during the certification process, the Administration cannot be sure that only eligible firms are part of the HUBZone program; and

(C) although the examination process of the Administration involves a more extensive review of documentation, the examination process cannot be relied upon to ensure that only eligible firms participate in the HUBZone program because the examination process involves only 5 percent of firms in any given year.

SEC. 4. HUBZONE IMPROVEMENTS.

The Administrator shall—

(1) as soon as is practicable, correct and update the map that is used by the Administration to identify HUBZones and implement procedures to ensure that the map is updated with the most recently available data on a more frequent basis;

(2) develop and implement guidance for determining whether an applicant is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)), including more routinely and consistently obtaining supporting documentation from an applicant and conducting more frequent site visits, as appropriate;

(3) establish a date by which the Administrator shall eliminate the backlog of applications for recertification;

(4) ensure that the Administration eliminates the backlog described in paragraph (3) by the date established under paragraph (3), using officers and employees of the Administration or by entering into a contract with a private entity;

(5) establish and implement a time period for completing a recertification; and

(6) develop measures and implement plans to assess the effectiveness of the HUBZone program that take into account—

(A) the economic characteristics of the HUBZone; and

(B) contracts being counted under multiple socioeconomic subcategories.

SEC. 5. REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the implementation of this Act.

By Mr. KERRY (for himself, Mr. SPECTER, Mr. LAUTENBERG, Mr. INOUE, Mr. BROWN, Ms. STABENOW, Mrs. FEINSTEIN, Mr. DODD, Mr. CASEY, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mrs. CLINTON, Mr. SCHUMER, Ms. SNOWE, Mr. MENENDEZ, and Mr. CARPER):

S. 3700. A bill to encourage and support the development of high-speed passenger rail transportation in the United States, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, this has been a volatile time for our financial system and our economy. Hopefully, we will be able to agree on a short-term stimulus relief that will help families who are suffering and states meet their financial obligations.

Next, we need to create new jobs by updating our infrastructure to help respond to the current challenges to our economy. I believe a first-rate American rail system is a critical part of the efforts to create jobs and expand our economy. It will also help make our air cleaner, ease traffic congestion, save families' money and time, and lessen our dependence on foreign oil.

That is why today, Senator SPECTER and I are introducing the High-Speed Rail for America Act of 2008. Senators LAUTENBERG, INOUE, BROWN, STABENOW, FEINSTEIN, DODD, CASEY, LIEBERMAN, WHITEHOUSE, CLINTON, SCHUMER, SNOWE, and MENENDEZ are cosponsors. This legislation provides a bold new vision of how we approach transportation policy to expand our economy and keep up with changes in our society.

The High-Speed Rail for America Act of 2008 builds upon the Passenger Rail Investment and Improvement Act of 2008 which reauthorizes Amtrak and authorizes \$1.5 billion over a five-year period to finance the construction and equipment for 11 high-speed rail corridors. I want to thank Senator LAUTENBERG for his leadership on reauthorizing Amtrak and making investment in high-speed rail a priority.

Today, Amtrak's Acela train on the Northeast Corridor is capable of reaching 150 miles per hour. However, due to a lack of infrastructure improvements, the Acela train only travels at 150 miles per hour on an 18-mile stretch in Rhode Island and a 10-mile stretch in

Massachusetts. We must make appropriate improvements to our railroad tracks and bridges to allow high speed rail to work properly.

While the U.S. is investing heavily in other forms of transportation, our investment in world class rail is dwarfed by other countries. For example, Germany's federal government gives its states \$8.9 billion a year for rail projects, France spends twenty times more per capita on rail than the U.S., and the Ministry of Railways in China invested \$19.6 billion in rail in the first half of 2008 alone. That is why we need to provide a constant source of funding for investment in high-speed rail. The High-Speed Rail for America Act of 2008 will take our outdated and underfunded passenger rail system and transform it into a world class system.

The High-Speed Rail for America Act of 2008 builds on the authorization of high-speed rail grants by providing billions of dollars in both tax exempt and tax credit bonds. It provides assistance for rail projects of various speeds. The bill creates the Office of High-Speed Passenger Rail to oversee the development of high-speed rail and provides a consistent source of funding. This office will ensure that we have the leadership to keep this mission on track.

High-speed rail is often the fastest and most reliable way to get from downtown to downtown between most cities 100-500 miles apart. High-speed rail can save up to an hour per trip when compared to air travel and reduces trip time by more than 50 percent compared to driving. The legislation provides \$8 billion over a 6-year period for tax-exempt bonds which finance high-speed rail projects which reach a speed of at least 110 miles per hour. This speed is often most practical for corridors of less than 100 miles or for less travelled routes which cannot justify the investment into world class high-speed rail traveling at 150 miles per hour.

The High-Speed Rail for America Act of 2008 also creates a new category of tax-credit bonds: qualified rail bonds. There are two types: super high-speed intercity rail facility bond and rail infrastructure bond. Super high-speed rail intercity facility bonds will encourage the development of true high-speed rail. The legislation provides \$10 billion for these bonds over a six-year period. Rail projects that reach a speed of at least 150 miles per hour will be eligible for these bonds. This would help finance projects including the proposed California corridor and make needed improvements to the Northeast corridor.

Rail infrastructure bonds will fund projects approved by the U.S. Department of Transportation and be part of a State's official rail plan. The High-Speed Rail for America Act of 2008 provides \$5.4 billion over a 6-year period for this type of bond. The Federal Rail Administration has already designated ten rail corridors that these bonds could help fund, including connecting

the cities of the Midwest through Chicago, connecting the cities of the Northwest, connecting the major cities within Texas and Florida, and connecting all the cities up and down the East Coast. These are projects that are ready to go, but they need a source of financing.

The need for a bold shift in the way we approach transportation is clear. Traffic congestion continues to worsen in cities across the country, creating a \$78 billion drain on the U.S. economy with 4.2 billion lost man hours of work and 2.8 billion gallons of wasted fuel. Last year, domestic flight delays cost the economy \$41 billion and consumed about 740 million additional gallons of jet fuel waiting on the ground. Passenger rail reduces congestion and is an effective alternative to highway and air transportation. Americans want alternatives—and we can deliver them.

We must focus on making the transportation sector part of the solution to global climate change. The transportation sector accounts for approximately one-third of U.S. CO₂ emissions—and automobiles make up 60 percent of that. Public transportation is an essential part of the solution to global warming. According to the American Public Transportation Association, public transportation reduces CO₂ emissions by 37 million metric tons annually and saves the average American household over \$6,000 annually.

The demand for alternative forms of transportation is only growing. The number of people riding Amtrak surged by more than 13 percent in July 2008 from a year earlier—the most passengers carried in any month during Amtrak's 37 year history. Amtrak ridership set an all-time record for fiscal year 2008, achieving growth of 11 percent.

As we look towards economic stimulus legislation next year, we must rethink the approach we have taken towards mobility in this country. Countries around the world have realized the benefits of high-speed rail and continue to build out their systems as we fall farther and farther behind. For far too long, we have not made adequate investment in our infrastructure. We cannot let this pattern continue.

We have all heard the skeptics and cynics dismiss the idea of high-speed rail for decades, but due to high energy prices, increased passenger rail ridership, and the need to reduce greenhouse gasses, the time is ripe for a big change. Not only will this change create a modern and reliable transportation network in the United States, it will provide tens of thousands of good new jobs and help stimulate the sluggish economy.

I pledge to continue fighting for the development of a modern high-speed rail system connecting the major cities across America, and I ask all my colleagues to support making this vision a reality.

By Mr. DODD (for himself and Mr. HATCH):

S. 3701. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce with Senator ORRIN HATCH the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2008. The bill we are introducing would help to integrate individuals with intellectual disabilities into their communities, improve their quality of life and promote the extraordinary gifts of these individuals.

I am proud to be introducing this bill with my good friend Senator HATCH. He has been a long time leader in this cause, and most recently worked with Senator HARKIN, Senator KENNEDY, myself and others to pass the Americans with Disabilities Act Amendments Act of 2008. We, as a society, have an obligation to do all we can to include individuals with disabilities and help them to reach their full potentials.

Yet, as one study on teen attitudes notes: "Legal mandates cannot, however, mandate acceptance by peers, neighbors, fellow employees, employers or any of the other groups of individuals who directly impact the lives of people with disabilities." People with intellectual disabilities have indeed gained many rights that have improved their lives; however, negative stereotypes abound. Social isolation, unfortunately, is the norm for people with intellectual disabilities.

Early intervention, effective education, and appropriate support go a long way to helping someone with intellectual disabilities achieve at the best of his or her abilities and lead a meaningful life in the community. I would like to tell you about the accomplishments of Best Buddies, a remarkable non-profit organization that is dedicated to helping people with intellectual disabilities develop relationships that will provide the kind of support that will help them reach their potential.

Founded in 1989, Best Buddies is the only national social and recreational program in the United States for people with intellectual disabilities. Best Buddies works to enhance the lives of people with intellectual disabilities by providing opportunities for friendship and integrated employment. Through more than 1,000 volunteer-run chapters at middle schools, high schools and colleges, students with and without intellectual disabilities are paired up in a one-to-one mentoring friendship. Best Buddies also facilitates an Internet pen pal program, an adult friendship program, and a supported employment program.

Approximately 7 million people in the United States have an intellectual disability; every one of these individuals would benefit from the kind of relationships that the Best Buddies programs help to establish. The resulting friendships are mutually beneficial, in-

creasing the self-esteem, confidence, and abilities of people both with and without intellectual disabilities.

The legislation we are introducing today allows the Secretary of Education to award grants to promote the expansion of the Best Buddies programs and to increase participation in and public awareness about these programs. The bill authorizes \$10 million for fiscal year 2009 and such sums as necessary through fiscal year 2013. If passed, this legislation would allow Best Buddies to expand their work and offer programs in every state in America, helping to create a more inclusive society with a direct and positive impact on more than 1.2 million citizens.

I thank my colleague Senator HATCH for working with me on this legislation. And I applaud Representatives HOYER and BLUNT, who have introduced a similar measure in the House. I urge my colleagues to join with me in supporting this important legislation that will make a positive—and needed—difference in the lives of individuals with intellectual disabilities and in the lives of those with whom they develop relationships.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Best Buddies Empowerment for People with Intellectual Disabilities Act of 2008".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Best Buddies operates the first national social and recreational program in the United States for people with intellectual disabilities.

(2) Best Buddies is dedicated to helping people with intellectual disabilities become part of mainstream society.

(3) Best Buddies is determined to end social isolation for people with intellectual disabilities by establishing meaningful friendships between them and their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities.

(4) Since 1989, Best Buddies has enhanced the lives of people with intellectual disabilities by providing opportunities for 1-to-1 friendships and integrated employment.

(5) Best Buddies is an international organization spanning 1,300 middle school, high school, and college campuses.

(6) Best Buddies implements programs that will positively impact more than 350,000 individuals in 2008 and expects to impact 500,000 people by 2010.

(7) The Best Buddies Middle Schools program matches middle school students with intellectual disabilities with other middle school students and creates 1-to-1 friendships between them.

(8) The Best Buddies High Schools program matches high school students with intellectual disabilities with other high school students and creates 1-to-1 friendships between them.

(9) The Best Buddies Colleges program matches adults with intellectual disabilities with college students and creates 1-to-1 friendships between them.

(10) The Best Buddies e-Buddies program creates e-mail friendships between people with and without intellectual disabilities.

(11) The Best Buddies Citizens program pairs adults with intellectual disabilities in 1-to-1 friendships with other individuals in the corporate and civic communities.

(12) The Best Buddies Jobs program promotes the integration of people with intellectual disabilities into the community through supported employment.

(b) PURPOSE.—The purposes of this Act are to—

(1) provide support to Best Buddies to increase participation in and public awareness about Best Buddies programs that serve people with intellectual disabilities;

(2) dispel negative stereotypes about people with intellectual disabilities; and

(3) promote the extraordinary gifts of people with intellectual disabilities.

SEC. 3. ASSISTANCE FOR BEST BUDDIES.

(a) EDUCATION ACTIVITIES.—The Secretary of Education may award grants to, or enter into contracts or cooperative agreements with, Best Buddies to carry out activities to promote the expansion of Best Buddies, including activities to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

(b) LIMITATIONS.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act may not be used for direct treatment of diseases, medical conditions, or mental health conditions.

(2) ADMINISTRATIVE ACTIVITIES.—Not more than 5 percent of amounts appropriated to carry out this Act for a fiscal year may be used for administrative activities.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to limit the use of non-Federal funds by Best Buddies.

SEC. 4. APPLICATION AND ANNUAL REPORT.

(a) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant, contract, or cooperative agreement under section 3(a), Best Buddies shall submit an application at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, an application under this subsection shall contain the following:

(A) A description of activities to be carried out under the grant, contract, or cooperative agreement.

(B) Information on specific measurable goals and objectives to be achieved through activities carried out under the grant, contract, or cooperative agreement.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—As a condition of receipt of any funds under section 3(a), Best Buddies shall agree to submit an annual report at such time, in such manner, and containing such information as the Secretary of Education may require.

(2) CONTENT.—At a minimum, each annual report under this subsection shall describe the degree to which progress has been made toward meeting the specific measurable goals and objectives described in the applications submitted under subsection (a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Education for grants, contracts, or cooperative agreements under section 3(a), \$10,000,000 for fiscal year 2009, and such sums as may be necessary for each of the 4 succeeding fiscal years.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 3704. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

Ms. SNOWE. Mr. President, I rise to introduce legislation with Senator WHITEHOUSE to extend the reach of the Federal Bureau of Investigation into financial crimes that may have helped precipitate the economic meltdown of the past several months.

We must investigate and scrutinize this financial crisis as we would a terrorist attack in order to determine its causes and how to preempt another economic collapse in the United States.

Following the September 11th attacks, the FBI re-directed approximately 1,000 agents to counterterrorism and counterintelligence activities. Without a doubt, there is no argument that our country has benefitted from the dedicated efforts of the men and women of the FBI who are performing this valuable work.

Over a 10-year period, from fiscal year 1999 to fiscal year 2008, Congress has increased direct appropriations for the FBI from \$2.993 billion and 26,693 positions to \$6.658 billion, 122 percent increase, and 30,211 positions, 13 percent increase. Most of these new resources were provided in the wake of the September 11th terrorist attacks, as the FBI redirected its resources toward combating domestic and international terrorism by improving its intelligence gathering and processing capabilities. As a consequence, for fiscal year 2008, about 60 percent of FBI funding and staffing is allocated to national security programs, including counterterrorism and counterintelligence.

In view of the breadth and severity of the economic crisis brought on by events in U.S. financial markets, however, I am very concerned that criminal wrongdoing may have played a significant role in crippling some of America's largest companies. Criminal activity, such as fraud, misrepresentation, self-dealing, and insider trading may have instigated or exacerbated the financial industry upheaval of 2008.

In order to augment FBI investigations of financial crimes, the FBI Priorities Act of 2008 authorizes \$150 million for each of the fiscal years 2009 through 2013 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of enactment. It is my hope that this extra manpower will enable the FBI to develop leads on unlawful actions, dig deeply into those leads, and bring responsible parties to justice. The American public deserves no less.

By Ms. SNOWE:

S. 3705. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to stop the small business credit crunch, and for

other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the 10 Steps for a Main Street Economic Recovery Act of 2008, a measure that will take dramatic action to finance the growth of our Nation's small businesses, which represent 99.7 percent of all employers and create approximately 75 percent of net jobs each year. Our country faces a financial crisis of unprecedented severity that is choking off economic growth and small business survival by denying all businesses, but especially small firms, access to the capital they need.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, it has long been my goal to expand access to capital for small businesses. One of the most valuable assets for realizing this goal are the Small Business Administration's, SBA's, core lending programs, including the 7(a) and 504 programs. Historically, when credit to small businesses has contracted, as is presently the case, banks have turned to the SBA in order to make loans to small business owners. Yet, regrettably, during these arduous economic times—we are not only seeing a significant drop in the amount of business loans made but we are also seeing credit lines completely shut down and commercial loans canceled.

Our current economic downturn is drastically more dangerous than any threat to our financial system in decades. Banks are tightening their lending standards without a similar increase in the volume of SBA guaranteed loans to small businesses, creating a domino effect on small businesses' job creation ability. The Federal Reserve's November 2008 Quarterly Loan Officer Survey finds that, in the last quarter, 75 percent of banks state that they have tightened their lending standards for small firms. Not surprisingly, lending in the SBA's 7(a) and 504 programs have declined dramatically. Over the past year, lending in the 7(a) program has decreased by 55 percent while loan volume in the 504 program is down 36 percent. Since the U.S. financial market turmoil began in September, overall SBA lending is down by 50 percent from the previous year.

This is why I am introducing the 10 Steps for a Main Street Economic Recovery Act, which, as its title indicates, contains a series of 10 achievable, commonsense steps that could be implemented immediately to help thaw out frozen credit markets so that small businesses—both in Maine and across the country—can continue to be the driving force of our Nation's economy. All of the provisions included in my legislation would directly address the credit crunch small firms are facing and help them get the capital necessary to finance business growth.

First, my bill would improve the Small Business Administration's flagship lending program, the 7(a) program,

by increasing the amount of financing, from \$2 million to \$3 million, that small firms can secure; allowing small firms to refinance their 7(a) loans if they can get better terms with another lender; and simplifying procedures for the loan poolers who bundle SBA loans in a secondary market that will generate additional liquidity for small firms and banks.

As a second step, my bill would directly expand small firms' access to credit by making the SBA's Community Express lending program permanent. This year, as credit has contracted, demand for the SBA's Community Express program has increased dramatically. But, because this is a pilot program, its ability to meet this loan demand has been severely restricted, forcing lenders to turn borrowers away who qualify for Community Express loans.

My legislation also seeks to bring in new and rural lenders, and teach them how to make SBA loans, by establishing an online loan underwriting guide to walk lenders through the process. This would increase the number of banks making SBA loans, from rural Maine to small towns in California, and ultimately promote small business owners' overall access to capital.

As a third step, my bill would improve the SBA's 504 loan program by raising the loan limit from \$2 million to \$3 million. It would also permit borrowers to refinance some existing debts into a 504 loan, and expands the 504 program's ability to finance projects in low-income communities.

Fourth, the 10 Steps for a Main Street Economic Recovery Act would rectify the current lack of liquidity in the 504 program by providing a new short-term guarantee on the first loans in the 504 loan package in order to encourage investors to buy these securities. Currently, without such a guarantee, investors are not purchasing the first loans in the 504 loan package. This is preventing Community Development Companies, CDCs, from making new 504 loans to small firms. The cost of this guarantee will be fully covered by participating 504 lenders. Once enacted into law, this temporary guarantee, which would expire at the end of fiscal year 2010, would increase investor confidence, encourage them to buy 504 investments and resurrect demand for 504 loans.

Fifth, my legislation contains large, temporary fee reductions to defray the cost of borrowing for small business owners and SBA lenders. My proposal would reduce overall fees for 7(a) and 504 lenders and borrowers by \$510 million dollars, a hefty sum considering that the SBA's fiscal year 2008 budget was only \$663 million. When small firms lack access to capital, they are unable to buy new inventory, finance new expansions, or often even cover their payrolls. During these troubled times, the SBA should do everything within its power, including lowering lending fees, to help ensure that small

firms have access to the credit they require.

Sixth, as small firms are being turned away from banks and are seeking credit through micro-lending organizations, my legislation recognizes that the credit crunch has increased the demand for SBA microloans. It dedicates \$25 million so that SBA microloan providers can make additional loans and cover the costs of technical assistance associated with these microloans.

As a seventh step, my bill would raise the maximum amount of government guaranteed capital a Small Business Investment Company, SBIC, can control, from \$130.6 million to \$150 million for a single SBIC and \$225 million for a group of SBICs. This will enable SBICs to have additional funds to invest in start-up small businesses, which will be critical in driving economic recovery.

Eighth, this legislation would direct the SBA to develop a nationwide advertising strategy to direct small firms to SBA lenders, and dedicates \$5 million to pay for this strategy. Today, many local and community banks have credit they can extend to small firms. Unfortunately, many small businesses hear that there is a credit crunch and erroneously believe that no other lenders have financing options available. This vital advertising will guide small firms to find the available resources they need through SBA lenders.

As a ninth step, my legislation recognizes that taxes disproportionately impact small firms' bottom lines. It would provide tax breaks that will spur small business growth by extending the increased \$250,000 small business expensing limit through 2009. This will provide small businesses with incentives to invest in plants and equipment by reducing their cost of capital. Additionally, the bill would provide small firms with an immediate capital injection by allowing them to carryback their 2008 or 2009 net operating losses for 5 years and provide business owners with a longer period over which to offset current losses. These measures will help small companies sustain operations and continue to employ workers.

Finally, this legislation would clarify that 7(a) and 504 loans are eligible for the Treasury Department's Troubled Asset Relief Program, TARP. I have sent a letter, with Senator KERRY, directing the U.S. Treasury Department to immediately purchase illiquid 7(a) and 504 securities from the secondary market in order to free these markets up and once again create liquidity for small businesses. Though the Treasury already has this authority under the TARP, this provision would clarify that authority so the Treasury can act promptly and decisively to address the credit crunch's impact on small firms.

In developing this bill, my office reached out to a host of small businesses and lenders, and consulted with the National Association of Develop-

ment Companies and National Association of Guaranteed Government Lenders.

Given the dimensions of what is occurring in our economy, the SBA and the Administration must do everything possible to help credit worthy small businesses secure the loans they need to innovate, access new markets, hire new employees, and grow. Today, as banks are raising their credit requirements in order to avoid risk, it is becoming more and more difficult for small businesses to qualify for loans. The SBA's lending programs are critical to small businesses in this endeavor.

By implementing the vital provisions contained in the 10 Steps for a Main Street Economic Recovery Act, we can increase the opportunities for our Nation's small businesses to not only survive during this downturn, but to be a catalyst for turning around and reinvigorating our economy. I encourage my colleagues to join me in supporting the 10 Steps for a Main Street Recovery Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the "10 Steps for a Main Street Economic Recovery Act of 2008".

(b) **DEFINITIONS.**—In this Act—

(1) the term "Administration" means the Small Business Administration;

(2) the term "Administrator" means the Administrator of the Small Business Administration; and

(3) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 2. 7(a) LOANS.

(a) **MAXIMUM LOAN AMOUNT.**—Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)" and inserting "\$2,500,000 (or if the gross loan amount would exceed \$3,000,000)".

(b) **REFINANCING EXISTING LOANS.**—

(1) **IN GENERAL.**—Section 7(a) of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

"(34) **REFINANCING EXISTING LOANS.**—A borrower that has received a loan under this subsection may refinance the balance of the loan by applying for a loan from the lender that made the original loan or with another lender."

(2) **TECHNICAL AMENDMENT.**—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by striking "(32) INCREASED" and inserting "(33) INCREASED".

(c) **ALTERNATIVE SIZE STANDARD.**—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(5) **OPTIONAL SIZE STANDARD.**—

"(A) **IN GENERAL.**—The Administrator shall establish an optional size standard for business loan applicants under section 7(a) and development company loan applicants under

title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) that uses maximum tangible net worth and average net income as an alternative to the industry size standard.

"(B) **INTERIM RULE.**—Until the date on which the optional size standards established under subparagraph (A) are in effect, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, or any successor thereto, may be used by business loan applicants under section 7(a)."

(d) **FLEXIBILITY FOR POOLING OF LARGE LOANS.**—Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended by—

(1) inserting "(A)" after "(1)";

(2) striking the colon and inserting a period;

(3) striking "Provided" and all that follows through "certificates" and inserting the following:

"(B) A trust certificate issued under this paragraph"; and

(4) adding at the end the following:

"(C) For a loan of more than \$500,000 that has been guaranteed by the Administrator under this Act, the Administrator shall, on the request of a loan pool assembler, divide the amount of such loan into individual guarantees, no 1 of which may exceed \$500,000. Not more than 1 portion of a loan that has been divided under this subparagraph shall be included in the same pool. Portions of more than 1 loan divided under this subparagraph may be included in the same pool.

"(D) A lender that makes or services a loan guaranteed under section 7(a) may purchase or hold all or any part of a loan pool that includes a loan made or serviced by the lender.

"(E) A purchase or holding by a lender described in subparagraph (D) shall not affect the guarantee under section 7(a) of a loan in a pool."

SEC. 3. COMMUNITY EXPRESS AND RURAL LENDING.

(a) **COMMUNITY EXPRESS PROGRAM ESTABLISHED.**—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is amended by adding at the end the following:

"(35) **COMMUNITY EXPRESS PROGRAM.**—

"(A) **DEFINITIONS.**—In this paragraph—

"(i) the term 'community express program' means the loan program under this paragraph;

"(ii) the term 'eligible small business concern' means—

"(I) a small business concern owned and controlled by women, as defined in section 29(a)(3);

"(II) a small business concern owned by a qualified Indian tribe;

"(III) a small business concern owned and controlled by a socially or economically disadvantaged individual, as determined by the Administrator;

"(IV) a small business concern owned and controlled by veterans;

"(V) a small business concern owned and controlled by a member of a reserve component of the Armed Forces, as defined in section 101 of title 10, United States Code;

"(VI) a small business concern located in an area that the Administrator determines to be a low-income or moderate-income area;

"(VII) a HUBZone small business concern; and

"(VIII) a small business concern located in a special market initiative;

"(iii) the term 'qualified private lender' means a private lender that meets such requirements as the Administrator shall establish; and

"(iv) the term 'special market initiative' means a community, market, or industry designated by the Director of a district office of the Administration for economic development purposes.

“(B) LOANS OF \$150,000 OR LESS.—

“(i) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled, on a loan of not more than \$150,000 issued by a qualified private lender to a small business concern.

“(ii) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of the amount of a loan under this subparagraph.

“(C) LOANS OF MORE THAN \$150,000.—

“(i) AUTHORIZATION.—The Administrator may guarantee timely payment of principal and interest, as scheduled, on a loan of more than \$150,000 and not more than \$300,000 issued by a qualified private lender to an eligible small business concern under this subparagraph.

“(ii) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 75 percent of a loan the amount of a loan under this subparagraph.

“(D) QUALIFIED PRIVATE LENDER REQUIREMENTS.—

“(i) TECHNICAL ASSISTANCE.—A qualified private lender shall—

“(I) ensure that appropriate technical assistance is provided to each borrower that receives a loan under the community express program from the qualified private lender;

“(II) encourage a borrower that receives a loan under the community express program from the qualified private lender to use the business development programs of the Administration for technical assistance; and

“(III) to the extent practicable, use the loan process to work with a borrower that receives a loan under the community express program from the qualified private lender, in order to—

“(aa) develop a business plan, if appropriate;

“(bb) assess the strengths and weaknesses of the borrower in management and other relevant areas; and

“(cc) provide technical assistance to address any assessed weaknesses of the borrower.

“(ii) COLLATERAL POLICY.—

“(I) IN GENERAL.—The Administrator shall establish a policy relating to collateral for loans under the community express program, which shall permit a qualified private lender to make a loan of not more than \$15,000 without collateral.

“(II) LIMITATION.—The policy established by the Administrator may not limit the ability of a qualified private lender to follow any internal procedure of the lender related to collateral.

“(iii) EQUITY OF BORROWERS.—Each qualified private lender shall verify that a borrower receiving a loan under the community express program has an equity stake of at least 10 percent in the business concern.

“(iv) FINANCIAL STATEMENTS.—Each qualified private lender shall obtain a financial statement from a borrower before making a loan under the community express program.

“(v) SALE OF LOANS.—A qualified private lender may not sell more than 80 percent of the total dollar value of the loans made by the qualified private lender under the community express program to another person or entity.

“(E) SIMPLIFICATION OF RULES.—The Administrator shall review the regulations and procedures relating to the community express program to ensure that such regulations and procedures are simple and clear and do not create barriers to participation in the program.

“(F) NOTICE AND COMMENT.—The Administrator shall establish policies relating to the community express program—

“(i) after notice and the opportunity for comment; and

“(ii) not later than 1 year after the date of enactment of this paragraph.”

(b) RURAL LENDER AND NEW LENDER OUTREACH PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is amended by adding at the end the following:

“(36) RURAL LENDER AND NEW LENDER OUTREACH PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘new lender’ means a lender that has not made more than 20 loans guaranteed by the Administrator during the 3-year period ending on the date on which the applicable loan is submitted (including a lender that has not made a loan guaranteed by the Administration);

“(ii) the term ‘rural area’ has the meaning given that term in subsection (m); and

“(iii) the term ‘rural lender’ means a lender that—

“(I) is located in a rural area; and

“(II) made not more than 20 loans guaranteed by the Administration during the 3-year period ending on the date on which the applicable loan application is submitted (including a lender that has not made a loan guaranteed by the Administration).

“(B) PROGRAM.—The Administrator shall carry out a rural lender and new lender outreach program, under which the Administrator may guarantee timely payment of principal and interest, as scheduled, on a loan to a small business concern of not more than \$500,000 made by a rural lender or a new lender.

“(C) LOAN PROCESSING.—

“(i) IN GENERAL.—The Administrator shall establish, for loans guaranteed under this paragraph—

“(I) streamlined application and documentation requirements; and

“(II) minimum credit standards necessary to provide for a reasonable assurance of repayment, in accordance with paragraph (6).

“(ii) NEW LENDER TRAINING AND CERTIFICATION.—The Administrator may guarantee a loan made by a new lender under this paragraph if the Administrator—

“(I) provides the new lender with training described in subparagraph (D); and

“(II) determines that the new lender meets minimum standards for program knowledge, borrower eligibility, and underwriting standards.

“(iii) APPROVAL OR DISAPPROVAL.—For a loan guaranteed under this paragraph, the Administrator shall approve or disapprove the loan in as expeditious manner as practicable.

“(D) TRAINING.—At regularly scheduled intervals and upon request by a new lender or rural lender the Administrator shall provide training for new lenders and rural lenders on the loan guarantee program under this subsection.”

(c) ELECTRONIC ONLINE LOAN UNDERWRITING PROGRAM GUIDE.—

(1) PURPOSE.—The purpose of this subsection is to assist rural lenders and new lenders in making more loans of good underwriting quality to small business concerns.

(2) ONLINE UNDERWRITING GUIDE.—The Administrator shall establish an online underwriting program guide (in this subsection referred to as the “guide”) to develop the lending capacity of rural lenders and new lenders (as such terms are defined in paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this Act).

(3) REQUIREMENTS.—The guide—

(A) is not intended to replace the internal credit scoring and loan approval process of a lender;

(B) shall demonstrate the steps the Administrator expects a lender to take in making a loan under a program of the Administration;

(C) shall assist a lender in using the internal credit evaluation processes of the lender to make a loan under a program of the Administration and build the capacity and ability of the lender to make such loans;

(D) shall provide simple steps to assist a lender that has not made a loan guaranteed by the Administration through the loan application process for a loan under section 7(a) of the Small Business Act (15 U.S.C. 636(a));

(E) shall include information, guidance, sample documentation, questions and answers, and any other information necessary to guide a lender through the process of making a loan guaranteed by the Administration in a systematic and simple fashion; and

(F) shall include information relating to—
(i) loan application and preapproval;
(ii) loan underwriting;
(iii) requirements after loan approval;
(iv) preparation for loan closing;
(v) closing the loan; and
(vi) servicing the loan.

(4) ELECTRONICALLY SUBMITTED LOANS.—The Administrator shall use the guide as a means to increase the number of applications for loan guarantees submitted electronically for approval from rural lenders and new lenders.

SEC. 4. 504 LOANS.

(a) MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking “\$1,500,000” and inserting “\$2,250,000”; and

(2) in clause (ii), by striking “\$2,000,000” and inserting “\$3,000,000”; and

(3) in clause (iii), by striking “\$4,000,000” and inserting “\$5,500,000”.

(b) BUSINESSES IN LOW-INCOME COMMUNITIES.—

(1) GOALS.—Section 501(d)(3)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(A)) is amended by inserting after “business district revitalization,” the following: “or expansion of businesses in a low-income community, as defined in section 45D(e) of the Internal Revenue Code of 1986 and implementing regulations.”

(2) ADDITIONAL INCENTIVES.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

“(7) LOW-INCOME COMMUNITIES.—

“(A) LOAN AMOUNT.—Notwithstanding paragraph (2)(A)(ii), a loan under this section for use in a low-income community described in section 501(d)(3)(A) may not exceed \$5,500,000.

“(B) SIZE STANDARDS.—For purposes of determining eligibility for a loan under this section for use in a low-income community described in section 501(d)(3)(A), the size standards established by the Administrator under section 3 of the Small Business Act (15 U.S.C. 632) shall be increased by 25 percent.

“(C) PERSONAL LIQUIDITY.—

“(i) IN GENERAL.—For any loan under this section for use in a low-income community described in section 501(d)(3)(A), the amount of personal resources of an owner that are excluded from the amount required to be provided to reduce the portion of the project funded by the Administration shall be not less than 25 percent more than that required for other loans under this section.

“(ii) DEFINITION.—In this subparagraph, the term ‘owner’ means any person that owns not less than 20 percent of the equity of the small business concern applying for the applicable loan.”

(c) ADDITIONAL EQUITY INJECTIONS.—Section 502(3)(B)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)(ii)) is amended to read as follows:

“(ii) FUNDING FROM INSTITUTIONS.—If a small business concern—

“(I) provides the minimum contribution required under subparagraph (C), not less than 50 percent of the total cost of any project financed under clause (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i) of this subparagraph; and

“(II) provides more than the minimum contribution required under subparagraph (C), any excess contribution may be used to reduce the amount required from the institutions described in subclauses (I), (II), and (III) of clause (i) of this subparagraph, except that the amount from such institutions may not be reduced to an amount that is less than the amount of the loan made by the Administrator.”

(d) REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696), as amended by this Act, is amended by adding at the end the following:

“(8) PERMISSIBLE DEBT REFINANCING.—

“(A) IN GENERAL.—Any financing approved under this title may include a limited amount of debt refinancing.

“(B) EXPANSIONS.—If the project involves expansion of a small business concern which has existing indebtedness collateralized by fixed assets, any amount of existing indebtedness that does not exceed ½ of the project cost of the expansion may be refinanced and added to the expansion cost, if—

“(i) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

“(ii) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

“(iii) the financing under section 504 will provide better terms or rate of interest than exists on the debt at the time of refinancing.”

(e) JOB CREATION REQUIREMENTS.—Section 501(e) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)) is amended—

(1) in paragraph (1), by striking “\$50,000” and inserting “\$65,000”; and

(2) in paragraph (2), by striking “\$50,000” and inserting “\$65,000”.

SEC. 5. GUARANTEE AND SALE OF BANK FINANCINGS WITH 504 LOAN PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “pool assembler” means a financial institution that—

(A) organizes and packages a loan pool by acquiring the guaranteed portion of third party financings guaranteed by the Administrator under subsection (b);

(B) resells fractional interests in the loan pool to registered holders; and

(C) directs that the fiscal and transfer agent of the Administrator to issue trust certificates; and

(2) the term “third party financing” means a financing described in section 502(3)(B)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)(ii))—

(A) made on or before the date of enactment of this Act;

(B) that provides for the payment of interest at a fixed rate or under a variable rate index (plus a spread) based upon Prime rate, a London Interbank Offered Rate (or LIBOR), a Federal Home Loan Bank rate, a United States Treasury rate, or a generally accepted market index rate approved by the Administrator;

(C) that provides amortized payments with a maturity of not more than 25 years; and

(D) for which the borrower—

(i) is current on all payments due on the loan on the date on which the loan is guaranteed under subsection (b); and

(ii) has not been more than 29 days past due on a payment during the 12-month period ending on the date on which the loan is guaranteed under subsection (b).

(b) LOAN GUARANTEE.—

(1) IN GENERAL.—To the extent amounts are provided in advance in appropriations Acts, and in accordance with this subsection, upon application of a pool assembler who has acquired a third party financing, the Administrator shall guarantee the timely repayment of principal and interest on 80 percent of the balance of the third party financing outstanding on the date of the guarantee.

(2) LENDERS.—A lender that made a third party financing guaranteed under paragraph (1)—

(A) shall—

(i) agree to hold and service the note issued as part of the third party financing;

(ii) comply with the reporting and payment remittance requirements of the Administrator; and

(iii) enter a secondary participation guaranty agreement with the Administrator and the fiscal and transfer agent of the Administrator; and

(B) may collect and retain all of any applicable prepayment penalties otherwise provided in the event the third party financing is prepaid.

(3) GUARANTEE FEE.—To cover the costs of guarantees under this subsection and the cost of issuing trust certificates under subsection (c), a lender that made a third party financing guaranteed under paragraph (1) shall pay to the Administrator—

(A) a one-time fee equal to 1 percent of the net amount of the third party financing guaranteed by the Administration, payable on the date on which the third party financing is guaranteed; and

(B) a monthly fee on the unpaid balance of the net amount of the third party financing guarantee at the rate of 25 basis points per year.

(4) MAXIMUM AMOUNT.—The Administrator may guarantee a total amount of not more than \$6,000,000,000 in third party financings under this subsection.

(5) TERMINATION OF AUTHORITY.—The authority of the Administrator to guarantee a third party financing under this subsection shall terminate on September 30, 2010.

(6) APPROPRIATION.—In addition to any other amounts appropriated, there are appropriated for the fiscal year ending September 30, 2009, for the “Business Loans Program Account” of the Administration, out of any money in the Treasury not otherwise appropriated, \$1 for loan subsidies and for loan modifications for guarantees authorized under this subsection, to remain available until expended.

(c) TRUST CERTIFICATES.—

(1) ISSUANCE.—The Administrator may issue a trust certificate representing ownership of all or a fractional part of the guaranteed portion of 1 or more third party financings that have been guaranteed by the Administrator under subsection (b). A trust certificate issued under this subsection shall be based on and backed by a trust or pool approved by the Administrator and composed solely of the entire guaranteed portion of third party financings guaranteed by the Administrator under subsection (b).

(2) POOLING REQUIREMENTS.—

(A) INTEREST RATE.—The interest rate on a trust certificate issued under this subsection shall be the weighted average interest rate of all third party financings in the pool. There shall be no limit on the difference between the highest and lowest note interest rates on third party financings forming the pool.

(B) MATURITY.—

(1) IN GENERAL.—Each pool may include either—

(I) third party financings with remaining terms to maturity of 15 years or less; or

(II) third party financings with remaining terms to maturity of more than 15 years.

(ii) NO OTHER LIMITATIONS.—Except as provided in clause (i), the Administrator may not limit the difference between the remaining terms to maturity of the third party financings forming a pool.

(C) SIZE.—

(i) IN GENERAL.—If the amount of the guaranteed portion of any third party financing exceeds \$500,000, the Administrator shall, upon request of the pool assembler, divide the amount of the third party financing into individual guarantees no 1 of which exceeds \$500,000.

(ii) DIVIDED FINANCINGS.—Not more than 1 portion of a third party financing that has been divided under this subparagraph shall be included in the same pool. Portions of more than 1 third party financing divided under this subparagraph may be included in the same pool.

(3) TIMELY PAYMENT.—

(A) IN GENERAL.—The Administrator may, upon such terms and conditions as the Administrator determines appropriate, guarantee the timely payment of principal and interest on a trust certificate issued by the Administrator or an agent of the Administrator under this subsection. A guarantee under this paragraph shall be limited to the principal and interest on the guaranteed portions of the third party financings that comprise the trust or pool.

(B) PREPAYMENT.—If a third party financing in a trust or pool guaranteed under this paragraph is prepaid, either voluntarily or in the event of default, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest the prepaid third party financing represents in the trust or pool. Interest on prepaid or defaulted third party financings shall accrue and be guaranteed by the Administrator only through the date of payment on the guarantee. During the term of a trust certificate issued under this subsection, the trust certificate may be called for redemption due to prepayment or default of all third party financings constituting the pool.

(4) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or an agent of the Administrator under this subsection.

(5) USE OF AGENT.—The Administrator shall negotiate an amendment to the contract in effect on the date of enactment of this Act with the agent for fee collection for trust certificates issued under section 5(g) of the Small Business Act (15 U.S.C. 634(g)) to collect the monthly fee under subsection (b)(3)(B) of this section. The agent may receive, as compensation for services, any interest earned on a fee collected under this section while in the control of the agent before the time at which the agent is contractually required to remit the fee to the Administrator.

(6) CLAIMS.—In the event the Administrator pays a claim under a guarantee issued under this subsection, it shall be subrogated fully to the rights satisfied by such payment.

(7) OWNERSHIP RIGHTS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Administrator of the ownership rights in the portions of third party financings constituting the trust or pool against which a trust certificate is issued under this subsection.

(8) **CENTRAL REGISTRATION.**—The Administrator—

(A) shall provide for a central registration of all trust certificates issued under this subsection;

(B) shall negotiate an amendment to the contract in effect on the date of enactment of this Act with the agent for central registration of trust certificates issued pursuant to section 5(h) of the Small Business Act (15 U.S.C. 634(h)) to carry out on behalf of the Administrator the central registration functions under this subsection and the issuance of trust certificates to facilitate pooling, under which—

(i) the agent may be compensated through any of the fees collected under this section and any interest earned on any funds collected by the agent while such funds are in the control of the agent and before the time at which the agent is contractually required to transfer such funds to the Administrator or to the holders of the trust certificates, as appropriate; and

(ii) the agent shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interest of the Government; and

(C) may—

(i) use a book-entry or other electronic form of registration for trust certificates issued under this subsection; and

(ii) with the consent of the Secretary of the Treasury, use the book-entry system of the Federal Reserve System.

(9) **SALE.**—The Administrator shall, before any sale of a trust certificate issued under this subsection, require the seller to disclose to the purchaser of the trust certificate information on the terms, conditions, and yield of such instrument.

(10) **BROKERS AND DEALERS.**—The Administrator may issue regulations relating to the brokering of and dealing in trust certificates sold under this subsection.

(11) **TERMINATION OF AUTHORITY.**—The authority of the Administrator to issue trust certificates under this subsection shall terminate on September 30, 2010.

(d) **IMPLEMENTATION.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue interim final regulations to carry out this section.

(e) **LENDER PURCHASE ELIGIBILITY.**—

(1) **IN GENERAL.**—A lender that made or services a loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or a third party financing guaranteed under subsection (b) of this section may purchase and hold all or any part of a loan pool which includes a loan or third party financing made or serviced by the lender.

(2) **NO EFFECT ON GUARANTEE.**—A purchase described in subparagraph (A) shall not affect the guarantee of a loan or third party financing in a pool.

SEC. 6. EMERGENCY SHORT TERM FEE REDUCTIONS.

(a) **LENDER OVERSIGHT FEES.**—

(1) **TEMPORARY REDUCTION IN FEES.**—

(A) **IN GENERAL.**—To the extent amounts are provided in advance in appropriations Acts, the Administrator shall, in lieu of the fee otherwise applicable under section 5(b)(14) of the Small Business Act (15 U.S.C. 634(b)(14)), collect no fee.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for salaries and expenses of the Administration relating to examinations, reviews, and other lender oversight activities relating to loans under section 7 of the Small Business Act (15 U.S.C. 636)—

(i) \$10,000,000 for each of fiscal years 2009 and 2010; and

(ii) such sums as may be necessary for each fiscal year thereafter.

(2) **REPORT ON MAKING FEES CONTINGENT ON PERFORMANCE.**—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with lenders that have made loans guaranteed under section 7 of the Small Business Act (15 U.S.C. 636), shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the feasibility of assessing annual fees under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) in an amount that is contingent on the performance of the lender, including consideration of the meeting the requirement under section 7(a)(1) of that Act (15 U.S.C. 636(a)(1)) of providing credit to applicants that cannot obtain credit elsewhere. The report under this paragraph may include proposed legislation.

(b) **FEE REDUCTIONS.**—

(1) **NEW 7(A) LENDER DEFINED.**—In this subsection the term “new 7(a) lender” means a lender that has not made more than 20 loans guaranteed by the Administrator under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) during the 3-year period ending on the date on which the Administrator determines the fee under section 7(a)(23)(A) of that Act (15 U.S.C. 636(a)(23)(A)) for the lender.

(2) **7(A) LOAN FEE REDUCTIONS.**—

(A) **IN GENERAL.**—For fiscal years 2009 and 2010, and to the extent the cost of such reduction in fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a))—

(i) the Administrator shall, in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee in an amount equal to—

(I) 0.25 percent of the outstanding balance of the deferred participation share of a loan made under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to a small business concern before the date of enactment of this Act; and

(II) .20 percent of the outstanding balance of the deferred participation share of a loan made by a new 7(a) lender to a small business concern; and

(ii) with respect to each loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), the Administrator shall, in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), (including any additional fee under clause (iv) of that section 7(a)(18)(A)) collect a guarantee fee in an amount equal to—

(I) 0.75 percent of the deferred participation share of a total loan amount that is not more than \$150,000;

(II) 2 percent of the deferred participation share of a total loan amount that is more than \$150,000, and not more than \$700,000; and

(III) 2.5 percent of the deferred participation share of a total loan amount that is more than \$700,000.

(B) **IMPLEMENTATION.**—In carrying out this paragraph, the Administrator shall reduce the fees for a loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to the maximum extent possible, subject to the availability of appropriations.

(C) **APPLICATION OF FEE REDUCTIONS.**—If funds are made available to carry out this paragraph, the Administrator shall reduce the fees under subparagraph (A) for any loan guarantee or project subject to such subparagraph for which the application is pending approval on or after the date of enactment of this Act, until the amount provided for such purpose is expended.

(D) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

the Administrator for each of fiscal years 2009 and 2010—

(i) \$175,000,000 to carry out subparagraph (A)(i);

(ii) \$75,000,000 to carry out subparagraph (A)(ii).

(3) **504 LOAN FEE AND RATE REDUCTIONS.**—

(A) **FEE REDUCTIONS.**—

(i) **FEE REDUCTIONS.**—To the extent the cost of such reduction in fees is offset by appropriations, for any loan guarantee or project for which an application is closed on or after the date of enactment of this Act—

(I) with respect to an institution described in subclause (I), (II), or (III) of section 502(3)(B)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)(i)), the Administrator shall, in lieu of the fees otherwise applicable under section 503(d)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)(2)), collect no fee;

(II) a development company shall, in lieu of the mandatory 0.625 servicing fee under section 120.971(a)(3) of title 13, Code of Federal Regulations, (relating to fees paid by borrowers), or any successor thereto, collect no fee; and

(III) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(3) of the Small Business Investment Act (15 U.S.C. 697(d)(3)), collect no fee.

(ii) **REIMBURSEMENT FOR WAIVED FEES.**—

(I) **IN GENERAL.**—To the extent the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a servicing fee pursuant to clause (i)(II).

(II) **AMOUNT.**—The payment to a development company under subclause (I) shall be in an amount equal to 0.5 percent of the outstanding principal balance of any guaranteed debenture for which the development company does not collect a servicing fee pursuant to clause (i)(II).

(iii) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator for each of fiscal years 2009 and 2010—

(I) \$50,000,000 for the elimination of fees under clause (i)(I);

(II) \$40,000,000 for payments under clause (ii) to offset the elimination of fees under clause (i)(II); and

(III) \$10,000,000 for the elimination of fees under clause (i)(III).

(B) **RATE REDUCTION.**—

(i) **IN GENERAL.**—To the extent that the cost of making an interest rate reduction is offset by appropriations, the Administrator shall pay, on behalf of a small business borrower, an amount equal to 100 basis points of the interest rate required to be paid by the borrower on the amount of the guarantee provided under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), if the loan is closed on or after the date of enactment of this Act.

(ii) **FREQUENCY OF PAYMENT.**—The Administrator shall make a payment under clause (i) on a semiannual basis.

(iii) **METHOD OF PAYMENT.**—The Administrator may use a central servicing agent to make a payment under clause (i).

(iv) **NOTICE TO DEVELOPMENT COMPANY.**—The Administrator shall notify a development company that receives a payment under clause (i) when funds are made available for the rate reduction under clause (i).

(v) **IMPLEMENTATION.**—A development company that receives a payment under clause (i) shall—

(I) use the payments solely for the purpose provided; and

(II) adjust the amount of the monthly payment by the borrower accordingly.

(vi) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator for each of fiscal years 2009

and 2010, \$150,000,000 for payments made under clause (i).

SEC. 7. MICROLENDING.

In addition to any amounts otherwise authorized to be appropriated for such purposes, there are authorized to be appropriated to the Administrator for each of fiscal years 2009 and 2010—

(1) \$5,000,000 for direct loans under section 7(m) of the Small Business Act (15 U.S.C. 636(m)); and

(2) \$20,000,000 for grants to intermediaries for marketing, management, and technical assistance under section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)).

SEC. 8. SMALL BUSINESS INVESTMENT COMPANIES.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) MAXIMUM LEVERAGE.—

“(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any 1 company licensed under section 301(c) may not exceed the lesser of—

“(i) 300 percent of the private capital of the company; or

“(ii) \$150,000,000.

“(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to 2 or more companies licensed under section 301(c) that are commonly controlled (as determined by the Administrator) and the private capital of which the Administrator determines meets the requirements of subsection (e) may not exceed \$225,000,000.”; and

(2) by striking paragraph (4).

SEC. 9. EMERGENCY SMALL BUSINESS LENDING ADVERTISING STRATEGY.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(i) EMERGENCY SMALL BUSINESS LENDING ADVERTISING STRATEGY.—

“(1) PURPOSE.—The purpose of this subsection is to ensure that the Administrator provides information to the owners of small business concerns regarding lenders in their areas that participate in programs of the Administration and that will allow small business concerns to access business capital during a liquidity and capital lending shortage.

“(2) LENDING ADVERTISING STRATEGY.—The Administrator shall develop an emergency small business lending advertising strategy to inform small business concerns located throughout the United States that loans under this Act are available through lenders that participate in programs of the Administration.

“(3) MEDIA.—The Administrator shall use print, radio, television, and Internet advertisement, where appropriate, to carry out this subsection.

“(4) EFFECTIVE DATE.—Not later than 30 days after the date of enactment of this Act, the Administrator shall implement the emergency small business lending advertising strategy.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

“(A) \$5,000,000 for each of fiscal years 2009 and 2010; and

“(B) such sums as may be necessary for each fiscal year thereafter.”.

SEC. 10. TAX PROVISIONS.

(a) EXTENSION OF TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.—

(1) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 is amended—

(A) by inserting “AND 2009” after “2008” in the heading, and

(B) by inserting “or 2009” after “In the case of any taxable year beginning in 2008”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2008.

(b) CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.—

(1) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) 5-YEAR CARRYBACK OF CERTAIN LOSSES.—

“(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’ and subparagraph (F) shall not apply.

“(ii) TAXABLE YEARS ENDING DURING 2003 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer for any taxable year ending during 2003 or 2009—

“(I) subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’.

“(II) subparagraph (E)(ii) shall be applied by substituting ‘4’ for ‘2’, and

“(III) subparagraph (F) shall not apply.

“(iii) ELIGIBLE TAXPAYER.—For purposes of clause (ii), the term ‘eligible taxpayer’ means a corporation or partnership which meets the gross receipts test of section 448(c) (determined by substituting ‘\$10,000,000’ for ‘\$5,000,000’ and ‘5-taxable-year period’ for ‘3-taxable-year period’) for the taxable year in which the loss arose (or, in the case of a sole proprietorship, which would meet such test if such proprietorship were a corporation.”.

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (as defined in section 172(b)(1)(H)(iii)), the amount described in clause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

“(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

“(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.”.

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting “amount of such” before “deduction described in clause (ii)(I)”.

(3) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary’s designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(4) EFFECTIVE DATES.—

(A) SUBSECTION (a).—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUBSECTION (b).—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 2007.

SEC. 11. TROUBLED ASSETS.

Section 3(9) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) a trust certificate issued by the Administrator of the Small Business Administration under section 5(g) of the Small Business Act (15 U.S.C. 634(g)), a loan guaranteed by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and a trust certificate issued under section 505 of the Small Business Investment Act of 1958 (15 U.S.C. 697), including an underlying debenture, the purchase of which the Secretary determines promotes financial market stability; and”.

By Mrs. CLINTON:

S. 3706. A bill to amend part D of title IV of the Social Security Act to prohibit States from charging child support recipients for the collection of child support; to the Committee on Finance.

Mrs. CLINTON. Mr. President, in a time of rising prices and historic economic turmoil, single parents deserve our support more than ever. That is why I am introducing the Elimination of the Single Parent Tax Act of 2008. I am proud to join my colleague Congresswoman GILLIBRAND in introducing this important legislation to help single parents by suspending State fees to fund child support enforcement.

Many states, including New York, were forced to institute this fee after the Republican-lead Congress passed the Deficit Reduction Act of 2005, which slashed funding for child support enforcement. The fee is expected to affect 170,000 families in New York alone. These single parents need every penny of their child support income to go towards food, medicine, and other important expenses. The Elimination of the Single Parent Tax Act ensures that hard-working single parents don’t face an extra tax.

In September, I joined my Senate colleagues in urging the Senate Appropriations Committee leadership to increase funding for child support enforcement to stave off these deep cuts. And today, I encourage my colleagues to join me in sponsoring this critical measure to support single parents.

For too long, single-parent households have been ignored at a time when raising children has only become more of a struggle. Yet despite these challenges, single parents heroically soldier on. This bill is only a critical first step to a more comprehensive approach to supporting single parents raising children. I look forward to continuing to fight in the Senate to stand up for our most vulnerable children and our hardest-working families.

By Mrs. CLINTON:

S. 3707. A bill to recruit, train, and support principals for high-need schools who are effective in improving student academic achievement; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation to address the urgent need of our underserved urban and rural school districts

by creating a corps of principals who are well-prepared, supported, and effective in improving student academic achievement in high-need schools and ensuring our schools are provided the leadership they need to prepare our children to compete in the 21st century.

The U.S. Department of Labor estimates that nearly 40 percent of the 90,000 principals in this country are nearing retirement, and over half the Nation's school districts are facing immediate administrator shortages. This problem is particularly prevalent in urban and rural districts with large concentrations of high-poverty schools, where turnover rates can reach as high as 20 percent per year, and academic achievement is persistently low.

That is why I'm introducing the National Principal Recruitment, NPR, Act, which seeks to address the impending shortage by establishing a corps of principals who are well-prepared, supported, and effective in improving student achievement in high-need schools. This corps is created through the recruitment of results-oriented candidates who possess personal leadership and management skills, knowledge of effective instruction, and commit to serve in high-need schools for over 5 years. Once selected, these candidates would undergo a year-long principal residency program, and receive support and mentoring to help them develop and maintain a data-driven, professional learning community.

This bill leverages non-Federal dollars with targeted funding to performance-based work done in partnership with school districts. It also includes an evaluation to capture knowledge and best practices and creates a prototype of a performance-based Federal education program by tying funding levels to an evaluation of student achievement results.

An effective and capable school leader can make the difference in providing the tools and instructional support needed to foster the type of school environment conducive to student academic success. The NPR Act will ensure that our neediest schools have effective leaders, who are well-equipped and supported, to close the achievement gap and prepare our students to compete in a global economy.

I am hopeful that my Senate colleagues from both sides of the aisle will join me today to move this legislation to the floor without delay.

By Mrs. CLINTON:

S. 3708. A bill to amend the Public Health Service Act with respect to health professions education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today, I am introducing the Health Professions and Primary Care Reinvestment Act in order to improve access to quality health care for all Americans. By

significantly reinvesting in the training and education of our health professionals, we are reinvesting in our communities where care is most needed.

This bill reinvests in health professional training in three ways—by expanding the training our health professionals receive, by improving our efforts to recruit and retain health professionals, and by increasing incentives for health professionals who are serving in community settings, particularly in rural and urban underserved areas.

Most Americans prefer to get their health care through a personal physician operating as part of a team-based primary care practice, yet the number of health professional students entering these fields is decreasing. We need more workers in primary care at the front lines of the health care system. Primary care professionals can help to establish a "medical home" for patients, providing preventive care to help people stay healthy and provide coordination of care for those with multiple or chronic diseases. This bill would achieve this goal by providing incentives for training primary care professionals, by strengthening primary care departments at the school and community level, and by supporting improved infrastructure to assist those serving in primary care settings.

Minorities, disadvantaged and rural students are underrepresented in our health professional workforce. We need to increase their numbers in the medical fields, and provide incentives for them to return to underserved areas to practice. As an example of what can be done, one program targeting rural students has returned eight times the usual number of trained family physicians to rural settings. We need to train people from all backgrounds—from underrepresented minorities, from disadvantaged backgrounds, from rural and urban underserved communities. This bill helps to achieve this goal by strengthening pipeline programs, expanding loans and scholarships, and by increasing the availability of care in underserved communities.

We need health care where people live and work. Americans should be able to access care in communities that are located far from hospitals and medical centers, in the poorest neighborhoods of cities and isolated rural areas. We need to support the institutions that the most vulnerable rely on for care, like community health centers, local departments of health, and nursing homes. This bill supports new models of care for training, recruiting, supporting and retaining faculty to serve in underserved settings, and provides infrastructure support for training students in community settings outside of the hospital, where patients need care.

In addition to addressing primary care, the legislation also works to address other health fields which are

often inaccessible to patients. Dental care in the United States has become a luxury that is unaffordable to many people. Dentists are often unable to sustain careers by teaching in dental schools training the next generation of professionals, or to work in communities where the need is greatest. This bill provides support for dentists to pursue academic teaching careers and to provide general care to both adults and children. It targets underrepresented minority dentists and those who will serve in communities where the need is greatest.

One impediment to good health for people with mental health problems is lack of care coordination. Too often the psychological problem goes undiagnosed or untreated, because our health care system operates in silos. Patients are often asked to go one place to meet physical health needs and another place to meet mental health needs. This bill provides support for training and care where the health professionals work together to co-manage mental health and physical health problems toward better overall health.

We, as a nation, are getting older. As we age, our health concerns change. Many seniors take multiple medications which need to be coordinated by a team of doctors, pharmacists, and other caregivers. The Health Professions and Primary Care Reinvestment Act reinvests in our geriatric training programs by expanding opportunities for doctors, pharmacists, psychologists, dentists and others to work with patients in rehabilitation centers, at home, in nursing homes or other settings where people live or work.

Our public health and preventive medicine professionals respond to crises like SARS, anthrax, and other infectious disease outbreaks. But they also work to educate the public about ways to stay healthy, and prevent chronic diseases. They contribute to the health care safety net with services like adult and childhood vaccinations. This bill helps to support these efforts by reinvestment in training for prevention. It links schools of public health with local and State departments of health in order to train professionals to work and serve in settings where they are most needed.

Finally, and very importantly, we must better understand the demands that will be made upon our health professional workforce. This bill provides authorization for the formation of a national and multiple regional health workforce analysis centers, along with an advisory committee comprised of administrative and health professional leadership. These entities will assess, review and oversee health professional workforce needs so that we can plan and prepare a new generation of health professionals in our schools and communities.

The Health Professions and Primary Care Reinvestment Act addresses the multiple challenges facing healthcare workforce development in our country.

It will invest in primary care, expand the number of health professionals truly representative of the communities they serve, and improve the availability of care in places where Americans need it most. I look forward to working with my colleagues in the Senate on the many issues of our health care workforce, and I would urge their support of this legislation.

Multiple organizations, including Advocating for Family Medicine, American Academy of Family Physicians, American Academy of Physician Assistants, American Association of Colleges of Osteopathic Medicine, American College of Preventive Medicine, American Dental Association, American Dental Education Association, American Geriatrics Association, American Osteopathic Association, American Psychological Association, Association of Departments of Family Medicine, Association of Family Medicine Residency Directors, Association of Minority Health Professions Schools, Inc., Association of Schools of Public Health, Hospital Association of New York State, National AHEC Organization, National Council for Diversity in the Health Professions, North American Primary Care Research Group, Society of General Internal Medicine, and the Society of Teachers of Family Medicine have endorsed this legislation.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

ADVOCATING FOR FAMILY MEDICINE,
Washington, DC, November 18, 2008.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the undersigned organizations, we would like to thank you for introducing the Health Professions and Primary Care Reinvestment Act. Health professions programs, authorized under Title VII of the Public Health Service Act, are vital to enhancing and expanding our nation's health workforce. The Health Professions and Primary Care Reinvestment Act reauthorizes, improves, and revitalizes these programs.

Within the primary care cluster (Section 747) we are very pleased to see the following:

Continued support for programs that have proven successful—training in primary care and capacity building in primary care.

New recognition that an environmental scan of the community and region is a necessary precursor to development of creative training programs that will get primary care physician training out into the community, rather than training remain mostly within the academic health centers.

Recognition that production of primary care physicians must be increased.

Recognition that funding for these programs must increase in order to provide a well-prepared workforce for the 21st century, particularly as we move to health care reform.

In addition, within the scope of the bill as a whole, we appreciate the modification of the statute so that all of the programs authorized by the bill have similar goals and expected outcomes.

As the Senate begins its work on overall health care reform, we support your efforts to have this bill serve as one of the foundations of reform. True health reform in this country will not be possible without including programs that increase the number of well-trained health professionals. As the Massachusetts experience clearly demonstrates, increasing the number of insured individuals will not ensure increased access to care if there are not enough doctors to treat the newly insured.

As you know, Title VII Health Professions Programs, particularly those authorized under Section 747, are designed to strengthen our primary care infrastructure. Studies have shown that areas which depend more heavily on primary care within their health care system spend less on health care and have better health outcomes. For example, a study published in *Health Affairs* from April, 2004 found, "States with more general practitioners use more effective care and have lower spending, while those with more specialists have higher costs and lower quality." (Baicker and Chandra) We know that health reform has two goals: bettering the health of our nation and keeping it as cost efficient as possible. Increasing the proportion of primary care medicine is a major step towards meeting both of these goals, and Title VII, Section 747 programs are the only federal programs that aim to increase the number of primary care physicians.

Title VII programs have also demonstrated the ability to produce physicians that serve in underserved areas. A recent article in *Annals of Family Medicine* (Rittenhouse, et al 2008) shows that students and residents exposed to Title VII funding are more likely to participate in the National Health Service Corps or practice in a community health center upon completing their training. Both of these programs successfully place physicians where they are most needed.

Thank you for all of your hard work on the Health Professions and Primary Care Reinvestment Act and for your continued leadership and dedication to health care throughout your career. We urge you to ensure that this important piece of legislation makes its way through the legislative process and is passed as quickly as possible.

Sincerely,

SCOTT FIELDS, MD,
President, Society of
Teachers of Family
Medicine.

EILSSA PALMER, MD,
President, Association
of Family Medicine
Residency Directors.

MICHAEL K. MAGILL, MD,
President, Association
of Departments of
Family Medicine.

TED EPPERLY, MD,
FAAFP,
President, American
Academy of Family
Physicians.

ALLEN DIETRICH, MD,
President, North
American Primary
Care Research
Group.

AMERICAN ACADEMY OF
PHYSICIAN ASSISTANTS,
Alexandria, VA, November 19, 2008.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the nearly 75,000 clinically practicing physician assistants (PAs) in the United States represented by the American Academy of Physician Assistants (AAPA), I thank you for in-

troducing the Health Professions and Primary Care Reinvestment Act of 2008. The reauthorization of the Public Health Service Act's Title VII Health Professions Programs is a top priority of the AAPA. Accordingly, AAPA is pleased to support this legislation, and looks forward to working with you and your colleagues in the Senate and House of Representatives to secure the strongest possible investment in and reinforcement of the nation's primary care workforce.

The Title VII safety net programs are essential to the development and training of primary health care professionals and, in turn, provide increased access to care by promoting health care delivery in medically underserved communities. Title VII funding is especially important for PA programs as it is the only federal funding available on a competitive application basis to these programs.

A review of PA graduates from 1990–2006 demonstrates that PAs who have graduated from PA educational programs supported by Title VII are 59 percent more likely to be from underrepresented minority populations and 46 percent more likely to work in a rural health clinic than graduates of programs that were not supported by Title VII.

The AAPA is very pleased to see included in this legislation several very important updates and additions to the Title VII statute related to physician assistant training. Specifically, the updated definition of PA education programs is long overdue and accurately reflects the educational preparation of PAs, as well as the definition and standards of the approximately 140 PA programs in the U.S. Additionally, we strongly support the inclusion of a set 15 percent carve-out for PA programs within the primary care medicine and dentistry cluster. Finally, we support the inclusion of PA education programs within many new or expanded programmatic sections of the bill, including geriatric training centers and continuing education programs for health professionals in underserved areas.

The AAPA applauds your efforts to support and expand America's primary care workforce through a clarified and strengthened Title VII. We are pleased to work with you and to support the Health Professions and Primary Care Reinvestment Act of 2008.

Sincerely yours,

WILLIAM F. LEINWEBER,
Executive Vice President/Chief
Executive Officer.

AMERICAN COLLEGE OF
PREVENTIVE MEDICINE,
November 18, 2008.

Hon. HILLARY R. CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the American College of Preventive Medicine I write to express our sincere appreciation and thanks for your efforts to reauthorize the Title VII health professions training programs at the Health Resources and Services Administration, HRSA. As a result of your steadfast commitment to bolstering our health care safety net in underserved communities and extending the reaches of preventive medicine physicians, health care services—including important preventive services—will reach the doorsteps of countless Americans who currently lack access to a health care provider.

With your legislation the time has now come to reinvigorate and refinance the Title VII health professions training programs at the necessary levels in order to protect access to health care for vulnerable populations, improve disease prevention and health promotion efforts, and maintain our graduate medical education commitment to quality and workforce diversity.

While a limited number of preventive medicine residency training programs in New York and other states have benefited from Title VII funds, it is important that Congress act now to expand the reaches of Title VII's mission to enhance the supply, diversity, and distribution of the health care workforce in all underserved communities across the country. A key step toward addressing health system reform is ensuring availability of services across all communities.

We thank you for recognizing the importance of preventive medicine physicians in securing our health care safety net and promoting disease prevention and health promotion programs. We look forward to our continued dialogue and thank you for the opportunity to work with you and your staff to address this very important issue.

Sincerely,

MICHAEL D. PARKINSON, MD,
MPH, FACPM,
President.

ADA/AMERICAN DENTAL ASSOCIATION,
Washington, DC, November 19, 2008.

Senator HILLARY RODHAM CLINTON,
Russell Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The American Dental Association, ADA, which represents 156,000 dentists, congratulates you on introducing the "Health Professions and Primary Care Reinvestment Act." The ADA greatly appreciates the attention that you and your staff have given to the unique needs of Title VII federal dental programs and believe that many of the changes incorporated in this bill will help greatly to advance these programs.

We are especially pleased that your bill provides general practice and pediatric dental residency programs with a funding line. This acknowledgement underscores that oral health care is as equally important as medical care and should not be a subset of medical program funding. We believe that by creating Section 748 Training in General and Pediatric Dentistry that Congress will be better able to effectively address dental education training needs.

We also appreciate the inclusion of dentists in Section 9, which focuses on geriatric training. The ADA has placed a high priority on addressing the oral health needs of "vulnerable" older adults—individuals over age 65 with limited mobility and/or limited resources and/or complex health status. Older adults face a variety of special oral health challenges, including root and coronal caries, periodontal disease, tooth wear, edentulousness, oral cancer, complications from taking prescription and over-the-counter medications and other medical concerns that affect oral health. We recognize that a key component in addressing these needs is to enhance the educational infrastructure and dentist education and training. We believe that your bill has opened the door to accomplish these goals.

Addressing the oral health care needs of the older generation often overlaps with providing care to children and adults with intellectual and developmental disabilities. While the bill does not include a new section to address the training of dentists to work with these patients, we understand the time constraints your staff faced in getting this bill introduced this year. We look forward to continuing to work with you on this issue and remain hopeful that we will be able to include a provision dealing with this important issue next year.

Thank you and your staff, particularly Dr. Kathleen Klink, for working with the American Dental Association to enhance dental education programs. We believe that the "Health Professions and Primary Care Rein-

vestment Act" will contribute to the ADA's own efforts to improve dental education programs and improve the oral health care of all Americans.

Sincerely,

JOHN S. FINDLEY, D.D.S.,
President.

ADEA AND AAPD,
November 19, 2008.

Hon. Hillary Clinton,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Dental Education Association (ADEA) and the American Academy of Pediatric Dentistry (AAPD) are pleased to endorse the Health Professions Primary Care Reinvestment Act. Our organizations represent dental education and the practicing pediatric dentists.

The primary care dental provisions contained in the legislation continue and enhance the cost-effective General Dentistry and Pediatric Dentistry residency training programs. The bill also authorizes support of dental loan repayment for those who teach or conduct research in General or Pediatric Dentistry residencies, which is particularly important to maintaining a cadre of well-trained dentists to meet the oral health care needs of the nation. Most importantly, we are delighted with the language which allows dental schools to apply for grants for faculty development and academic administrative units. We applaud the decision to provide a guideline authorization of \$20 million for these important programs.

Our Associations appreciate the time and effort that you and your staff made to consider our analysis of important trends and needs in dental education, and to address our concerns about the bill. The Health Professions Primary Care Reinvestment Act is a significant improvement over legislation in the last Congress in terms of provisions affecting health workforce, information, evaluation and analysis, and geriatric training. Your staff is to be commended for drafting legislation that is performance-based and ensures that important strides made to date will not be diminished.

Please contact our legislative representatives if we can be of further assistance: Myla Moss at ADEA 202-289-7201 or Scott Litch at AAPD 312-337-2169 ext. 29.

Sincerely,

BEVERLY LARGENT, D.M.D.,
AAPD President.

JOHN S. RUTKAUSKAS,
D.D.S., M.B.A., CAE,
AAPD Chief Executive Officer.

CHARLES N. BERTALOMI,
D.D.S., D.M.Sc.,
ADEA President.

RICHARD W. VALACHOVIC,
D.M.D., M.P.H.,
ADEA Executive.

ASSOCIATION OF MINORITY HEALTH
PROFESSIONS SCHOOLS, INC..

WASHINGTON, DC, NOVEMBER 19, 2008.

Senator HILLARY RODHAM CLINTON,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The Association of Minority Health Professions Schools (AMHPS) applauds your introducing the Health Professions and Primary Care Reinvestment Act. The Title VII Health Professions programs help strengthen and diversify our nation's primary care workforce. The Health Professions and Primary Care Reinvestment Act reauthorizes these vital programs while greatly improving them.

AMHPS is particularly interested in your efforts to continue to strengthen the diver-

sity cluster of the Title VII programs—Centers of Excellence (COE), Health Careers Opportunities Program (HCOP), Faculty Loan Repayment, and Scholarships for Disadvantaged Students (SDS). These programs have been a tremendous federal government investment into the institutions that focus on increasing the number of health professionals and the diversity of the health professions. In the November 2008 issue of Academic Medicine, the article "Funding the Diversity Programs of the Title VII Health Professions Training Grants: An Urgent Need," written by two AMHPS institution presidents—Dr. John Maupin of Morehouse School of Medicine and Dr. Wayne Riley of Meharry Medical College—confirms that your efforts making a tremendous effort towards improving the health of all Americans.

Again, thank you for introducing the Health Professions and Primary Care Reinvestment Act. Your continued leadership and dedication to health care is greatly appreciated. We urge you to do all that you can to see that building a stronger workforce of primary care professionals that is more diverse is a top priority during the current health care debate. Ensuring passage of your important bill would be a very good first step,

Sincerely,

WAYNE HARRIS, PH.D.,
*Chairman, Board of
Directors, Association
of Minority
Health Professions
Schools.*

ASSOCIATION OF SCHOOLS OF
PUBLIC HEALTH,

Washington, DC, November 18, 2008.

Hon. HILLARY RODHAM CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the Association of Schools of Public Health (ASPH), I would like to thank you for introducing the Health Professions and Primary Care Reinvestment Act. Your leadership in introducing legislation that would reauthorize Title VII of the Public Health Service Act takes a vital step in providing support to the health care delivery system, health care and public health professionals.

By 2012 over 100,000 public health workers are eligible to retire (23 percent of the workforce). More importantly, in order to have the same public health workforce to population ratio in 2020 as existed in 1980, the public health workforce would need to add an additional 250,000 workers. As Congress begins to consider legislation that would overhaul the health insurance system in this country, we hope that the Health Professions and Primary Care Reinvestment Act will be considered to ensure a well trained health care workforce will be in place to meet the increased demand for basic health care services.

We would like to thank you for the inclusion of public health in several sections of the bill including the Health Professions Training for Diversity provisions of the legislation. Expansion of the program to include training for the next generation of researchers and educators is important as public health researchers in the early stages of their careers offer novel investigator-initiated research ideas that could transform science and policy.

We applaud the establishment of the Academic Health Department (AHD) Program to establish partnerships between accredited Schools of Public Health (SPH) and state or local public health departments. This program has demonstrated success in expanding SPH/health department partnerships with the goal of developing models of collaboration in the areas of teaching and service. The

training programs offered by AHDs will provide learning opportunities for public health professionals throughout their careers. We also appreciate the continued support of the existing Public Health and Preventive Medicine Program which offers vital support to train health professionals in this important area.

Again, we would like to thank you for your leadership and we look forward to working with you as you work to advance this legislation. We are glad to see your commitment to addressing workforce shortage issues in health care and offer our support of the Health Professions and Primary Care Reinvestment Act.

Sincerely,

HARRISON C. SPENCER, MD, MPH,
President and CEO.

NATIONAL AHEC ORGANIZATION,
Oak Creek, WI.

Hon. HILLARY RODHAM CLINTON,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR CLINTON: On behalf of the National Area Health Education Center Organization (NAO), I would like to offer support for the Health Professions and Primary Care Reinvestment Act legislation that includes AHEC reauthorization.

Your ongoing support of the National AHEC Organization and the AHEC centers and programs that we represent across the country are critical to the health professions pipeline, quality education and training programs for health care professionals, allied health professional and students across the country.

The Health Professions and Primary Care Reinvestment Act will ensure the sustainability of the many critical programs offered by AHEC's throughout the nation.

Please feel free to call upon the NAO for additional support as you move forward with your efforts and be assured that our support and this letter may be used publicly to advance the Health Professions and Primary Care Reinvestment Act legislation.

Sincerely,

ROSE M. YUROS,
NAO President.

NATIONAL COUNCIL FOR DIVERSITY
IN THE HEALTH PROFESSIONS,
November 19, 2008.

Hon. HILLARY RODHAM CLINTON,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR CLINTON: The National Council on Diversity in the Health Professions (NCDHP) applauds your introducing the Health Professions and Primary Care Reinvestment Act. The Title VII Health Professions programs help strengthen and diversity our nation's primary care workforce. The Health Professions and Primary Care Reinvestment Act reauthorizes these vital programs while greatly improving them.

NCDHP is interested in your efforts to continue to strengthen the diversity cluster of the Title VII programs, particularly the reauthorization of Centers of Excellence (COE) and Health Careers Opportunities Program (HCOP). For many years, these programs have demonstrated a tremendous federal government investment into the institutions that focus on increasing the number of health professionals and the diversity of the health professions.

Again, thank you for introducing the Health Professions and Primary Care Reinvestment Act. Your continued leadership and dedication to health care is greatly appreciated. We urge you to do all that you can to see that building a stronger workforce of primary care professionals that is more diverse is a top priority during the current health

care debate. Ensuring passage of your important bill would be a very good first step.

Sincerely,

WANDA D. LIPSCOMB,
Chair.

SOCIETY OF GENERAL
INTERNAL MEDICINE,
Washington, DC, November 17, 2008.

Hon. HILLARY RODHAM CLINTON,
*Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR CLINTON: On behalf of the Society of General Internal Medicine, I want to applaud your leadership in advancing national policies that promote improved patient care for all Americans. In particular, I want to commend you on the introduction of the Health Professions and Primary Care Reinvestment Act.

By any measure, primary care, including general internal medicine, is the cornerstone of our nation's health care system. Patients with primary care physicians have better health status, longer life expectancy and lower health care costs. Moreover, for the poor, the uninsured and the elderly, primary care functions as a safety net, serving as the first and often the only contact for care and treatment.

For more than three decades, the Title VII Training in Primary Care Medicine and Dentistry (TPCMD) program, in particular, has contributed significantly to improving the quality of education and training of the nation's primary care workforce, with special emphasis on individuals from disadvantaged backgrounds and underrepresented minorities. But challenges remain. For example, forecasts are that the demand for general internists will increase by 38 percent within the next 15 years, while the number of new physicians entering the field of general internal medicine continues to decline.

By strengthening and expanding the TPCMD program, your legislation recognizes that primary care is the linchpin of our health care system and that an adequate, well-trained primary care workforce is critical to the success of any health care reform measures Congress undertakes.

In addition, your legislation calls for a more comprehensive approach to addressing the systemic needs of our health care system, including the creation of primary care training institutes that will promote all-important collaboration across all primary care disciplines, as well as partnering with community health centers in a way that will speed the translation of research into community practice. Furthermore, the work of these institutes will help contribute to better health outcomes by fostering the development of the patient-centered medical home model.

At a time when 47 million Americans lack health coverage, when increasing numbers of elderly are entering the age of highest risk of chronic disease, and when racial and ethnic disparities persist, the Health Professions and Primary Care Investment Act provides a solid framework for meeting these challenges.

Again, thank you for introducing this important legislation. As in the past, our Society stands ready to assist you in whatever way we can.

Sincerely,

LISA V. RUBENSTEIN,
President.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 707—AUTHORIZING THE PRESIDENT OF THE SENATE TO CERTIFY THE FACTS OF THE FAILURE OF JOSHUA BOLTEN, AS THE CUSTODIAN OF RECORDS AT THE WHITE HOUSE, TO APPEAR BEFORE THE COMMITTEE ON THE JUDICIARY AND PRODUCE DOCUMENTS AS REQUIRED BY COMMITTEE SUBPOENA

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was placed on the calendar:

S. RES. 707

Whereas, since the beginning of this Congress, the Senate Judiciary Committee has conducted an investigation into the removal of United States Attorneys;

Whereas, the Committee's requests for information related to its investigation, including documents and testimony from the White House and White House personnel, were denied;

Whereas, the White House has not offered any accommodation or compromise to provide the information requested that is acceptable to the Committee;

Whereas, on April 12, 2007, pursuant to its authority under Rule 26 of the Standing Rules of the Senate, the Senate Committee on the Judiciary authorized issuance to the Custodian of Records at the White House, a subpoena which commands the Custodian of Records to provide the Committee with all documents in the possession, control, or custody of the White House related to the Committee's investigation;

Whereas, on June 13, 2007, the Chairman issued a subpoena pursuant to the April 12, 2007, authorization to White House Chief of Staff Joshua Bolten as the White House Custodian of Records, for documents related to the Committee's investigation, with a return date of June 28, 2007;

Whereas, on June 28, 2007, in response to subpoenas for documents issued by the Senate and House Judiciary Committees, White House Counsel Fred Fielding conveyed the President's claim of executive privilege over all information in the custody and control of the White House related to the Committee's investigation;

Whereas, based on this claim of executive privilege, Mr. Bolten refused to appear and produce documents to the Committee in compliance with the subpoena;

Whereas, on June 29, 2007, the Chairmen of the House and Senate Judiciary Committees provided the White House with an opportunity to substantiate its privilege claims by providing the Committees with the specific factual and legal bases for its privilege claims regarding each document withheld and a privilege log to demonstrate to the Committees which documents, and which parts of those documents, are covered by any privilege that is asserted to apply and why;

Whereas, the White House declined this opportunity in a July 9, 2007, letter to the Committee Chairmen from Mr. Fielding, while reiterating the privilege claim;

Whereas, on August 17, 2007, Mr. Fielding rejected the Chairman's request for a meeting with the President to work out an accommodation for the information sought by the Committee;

Whereas, on November 29, 2007, the Chairman ruled that the White House's claims of executive privilege and immunity are not legally valid to excuse current and former

White House employees from appearing, testifying and producing documents related to this investigation and directed Mr. Bolten, along with other current and former White House employees, to comply immediately with the Committee's subpoenas by producing documents and testifying;

Whereas, Mr. Bolten has not complied with the Committee's subpoenas or made any offer to cure his previous noncompliance;

Whereas, the Committee's investigation is pursuant to the constitutional legislative, oversight and investigative powers of Congress and the responsibilities of this Committee to the Senate and the American people; including the power to: (1) investigate the administration of existing laws, and obtain executive branch information in order to consider new legislation, within the Committee's jurisdiction, including legislation related to the appointment of U.S. Attorneys; (2) expose any corruption, inefficiency, and waste within the executive branch; (3) protect the Committee's role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent; and (4) examine whether inaccurate, incomplete, or misleading testimony or other information was provided to the Committee: Therefore be it

Resolved, That the President of the Senate certify the facts in connection with the failure of Joshua Bolten, as the Custodian of Records at the White House, though duly summoned, to appear and to produce documents lawfully subpoenaed to be produced before the Committee, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Joshua Bolten may be proceeded against in the manner and form provided by law.

SENATE RESOLUTION 708—AUTHORIZING THE PRESIDENT OF THE SENATE TO CERTIFY THE FACTS OF THE FAILURE OF KARL ROVE TO APPEAR AND TESTIFY BEFORE THE COMMITTEE ON THE JUDICIARY AND TO PRODUCE DOCUMENTS AS REQUIRED BY COMMITTEE SUBPOENA

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was placed on the calendar:

S. RES. 708

Whereas, since the beginning of this Congress, the Senate Judiciary Committee has conducted an investigation into the removal of United States Attorneys;

Whereas, the Committee's requests for information related to its investigation, including documents and testimony from the White House and White House personnel, were denied;

Whereas, the White House has not offered any accommodation or compromise to provide the requested information that is acceptable to the Committee;

Whereas, on March 22, 2007, pursuant to its authority under Rule 26 of the Standing Rules of the Senate, the Senate Committee on the Judiciary authorized issuance to Karl Rove, Deputy Chief of Staff to the President, subpoenas in connection with the Committee's investigation;

Whereas, on June 28, 2007, in response to subpoenas for documents issued by the Senate and House Judiciary Committees, White House Counsel Fred Fielding conveyed the President's claim of executive privilege over all information in the custody and control of

the White House related to the Committee's investigation;

Whereas, on June 29, 2007, the Chairmen of the House and Senate Judiciary Committees provided the White House with an opportunity to substantiate its privilege claims by providing the Committees with the specific factual and legal bases for its privilege claims regarding each document withheld and a privilege log to demonstrate to the Committees which documents, and which parts of those documents, are covered by any privilege that is asserted to apply and why;

Whereas, the White House declined this opportunity in a July 9, 2007, letter to the Committee Chairmen from Mr. Fielding, while reiterating the blanket privilege claims;

Whereas, on July 26, 2007, the Chairman issued a subpoena authorized March 22 to Mr. Rove for documents and testimony related to the Committee's investigation, with a return date of August 2;

Whereas, the Chairman noticed an August 2, 2007, Judiciary Committee hearing under its Rules at which Mr. Rove was subpoenaed to testify;

Whereas, Mr. Fielding, in an August 1, 2007 letter to the Chairman and Ranking Member, informed the Committee that the President would invoke a claim of executive privilege and a claim of immunity from congressional testimony for Mr. Rove, and directed Mr. Rove not to produce responsive documents or testify before the Committee about the firings, and that Mr. Rove would not appear in response to the Committee's subpoena;

Whereas, based on these claims of executive privilege and absolute immunity, Mr. Rove refused to appear or to produce documents or to testify at the Committee's August 2, 2007, hearing in compliance with the subpoena;

Whereas, on August 17, 2007, Mr. Fielding rejected the Chairman's request for a meeting with the President to work out an accommodation for the information sought by the Committee;

Whereas, on November 29, 2007, the Chairman ruled that the White House's claims of executive privilege and immunity are not legally valid to excuse current and former White House employees from appearing, testifying and producing documents related to this investigation and directed Mr. Rove, along with other current and former White House employees, to comply immediately with the Committee's subpoenas by producing documents and testifying;

Whereas, Mr. Rove has not complied with the Committee's subpoenas or made any offer to cure his previous noncompliance;

Whereas, the Committee's investigation is pursuant to the constitutional legislative, oversight and investigative powers of Congress and the responsibilities of this Committee to the Senate and the American people; including the power to: 1) investigate the administration of existing laws, and obtain executive branch information in order to consider new legislation, within the Committee's jurisdiction, including legislation related to the appointment of U.S. Attorneys; 2) expose any corruption, inefficiency, and waste within the executive branch; 3) protect the Committee's role in evaluating nominations pursuant to the Senate's constitutional responsibility to provide advice and consent; and 4) examine whether inaccurate, incomplete, or misleading testimony or other information was provided to the Committee: Now, therefore, be it

Resolved, That the President of the Senate certify the facts in connection with the failure of Karl Rove, though duly summoned, to appear and testify before the Judiciary Committee and to produce documents lawfully subpoenaed to be produced before the Com-

mittee, under the seal of the United States Senate, to the United States Attorney for the District of Columbia, to the end that Karl Rove may be proceeded against in the manner and form provided by law.

SENATE RESOLUTION 709—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PURSUE THE ADOPTION OF BLUEFIN TUNA CONSERVATION AND MANAGEMENT MEASURES AT THE 16TH SPECIAL MEETING OF THE INTERNATIONAL COMMISSION ON THE CONSERVATION OF ATLANTIC TUNAS

Mr. KERRY (for himself, Ms. SNOWE, Mrs. BOXER, Ms. CANTWELL, and Mr. REED) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 709

Whereas Atlantic bluefin tuna fishery is valuable commercially and recreationally in the United States and many other countries;

Whereas the International Convention for the Conservation of Atlantic Tunas entered into force on March 21, 1969;

Whereas the Convention established the International Commission for the Conservation of Atlantic Tunas to coordinate international research and develop, implement, and enforce compliance of the conservation and management recommendations on the Atlantic bluefin tuna and other highly migratory species in the Atlantic Ocean and the adjacent seas, including the Mediterranean Sea;

Whereas in 1974, the Commission adopted its first conservation and management recommendation to ensure the sustainability of Atlantic bluefin tuna throughout the Atlantic Ocean and Mediterranean Sea, while allowing for the maximum sustainable catch for food and other purposes;

Whereas in 1981, for management purposes, the Commission adopted a working hypothesis of 2 Atlantic bluefin tuna stocks, with 1 occurring west of 45 degrees west longitude (hereinafter referred to as the "western Atlantic stock") and the other occurring east of 45 degrees west longitude (hereinafter referred to as the "eastern Atlantic and Mediterranean stock");

Whereas, despite scientific recommendations intended to maintain bluefin tuna populations at levels that will permit the maximum sustainable yield and ensure the future of the stocks, the total allowable catch quotas have been consistently set at levels significantly higher than the recommended levels for the eastern Atlantic and Mediterranean stock;

Whereas despite the establishment by the Commission of fishing quotas based on total allowable catch levels for the eastern Atlantic and Mediterranean bluefin tuna fishery that exceed scientific recommendations, compliance with such quotas by parties to the Convention that harvest that stock has been extremely poor, most recently with harvests exceeding such total allowable catch levels by more than 50 percent for each of the last 4 years;

Whereas insufficient data reporting in combination with unreliable national catch statistics has frequently undermined efforts by the Commission to assign quota overharvests to specific countries;

Whereas the failure of many Commission members fishing east of 45 degrees west longitude to comply with other Commission recommendations to conserve and control the overfished eastern Atlantic and Mediterranean bluefin tuna stock has been an ongoing problem;

Whereas the Commission's Standing Committee on Research and Statistics noted in its 2006 report that the fishing mortality rate for the eastern Atlantic and Mediterranean stock may be more than 3 times the level that would permit the stock to stabilize at the maximum sustainable catch level, and continuing to fish at the level of recent years "is expected to drive the spawning biomass to a very low level" giving "rise to a high risk of fishery and stock collapse";

Whereas the Standing Committee's 2008 report recommended that the annual harvest levels for eastern Atlantic and Mediterranean bluefin tuna be reduced from 32,000 metric tons to 15,000 metric tons or less to halt decline of the resource and initiate rebuilding;

Whereas the Standing Committee has stated that time and area closures could greatly facilitate the implementation and monitoring of rebuilding strategies and recommended a closure of the Mediterranean Sea in May, June, and July, as well as a minimum size limit of 25 kilograms;

Whereas in 2006, the Commission adopted the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" containing a wide range of management, monitoring, and control measures designed to facilitate the recovery of the eastern Atlantic and Mediterranean bluefin tuna stock;

Whereas the Recovery Plan is inadequate and allows overfishing and stock decline to continue, and initial information indicates that implementation of the plan in 2007 by many eastern Atlantic and Mediterranean bluefin tuna harvesting countries has been poor;

Whereas since 1981, the Commission has adopted additional and more restrictive conservation and management recommendations for the western Atlantic bluefin tuna stock, and these recommendations have been implemented by Nations fishing west of 45 degrees west longitude, including the United States;

Whereas despite adopting, fully implementing, and complying with a science-based rebuilding program for the western Atlantic bluefin tuna stock by countries fishing west of 45 degrees west longitude, catches and catch rates remain very low;

Whereas many scientists believe that mixing occurs between the western Atlantic bluefin tuna stock and the eastern Atlantic and Mediterranean stock, and as such, poor management and noncompliance with recommendations for one stock are likely to have an adverse effect on the other stock; and

Whereas additional research on stock mixing will improve the understanding of the relationship between eastern and western bluefin tuna stocks and other fisheries, which will assist in the conservation, recovery, and management of the species throughout its range: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States delegation to the 16th Special Meeting of the International Commission for the Conservation of Atlantic Tunas, should—

(1) pursue a meaningful assessment of Commission member compliance with the "Recommendation by ICCAT to Establish a Multi-Annual Recovery Plan for Bluefin Tuna in the eastern Atlantic and Mediterranean" (Recommendation 06-05), including

seeking detailed explanations from Commission members that have failed to effectively implement the terms of the recommendation;

(2) pursue the adoption by the Commission of measures designed to eliminate non-compliance, including, as appropriate, deducting a portion of a future quota for a party to compensate for such party exceeding its quota in prior years, and where appropriate, steps should be taken to link non-compliance with reductions in fishery or market access;

(3) seek a temporary suspension of the eastern Atlantic and Mediterranean bluefin tuna fishery, including all trade, if significant progress toward establishing science-based management measures, improving monitoring and control measures, and addressing compliance issues is not made at the Commission this year;

(4) seek to strengthen the conservation and management of the eastern Atlantic and Mediterranean bluefin tuna by making recommendations to halt the decline of the stock and begin to rebuild it, including reducing annual harvest levels so that they do not exceed recommendations of the Standing Committee and expanding the time and area closure for the Mediterranean purse seine fleet to include May, June, and July; and

(5) pursue additional research on the relationship between the western Atlantic and eastern Atlantic and Mediterranean bluefin tuna stocks and the extent to which the populations intermingle.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 19, 2008 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, November 19, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Health Care Reform: An Economic Perspective".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Helping Families Save Their Homes: The Role of Bankruptcy Law" on Wednesday, November 19, 2008, at 10 a.m., in room SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALBUQUERQUE INDIAN SCHOOL ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Chair now

lay before the Senate the House message to accompany S. 1193.

There being no objection, the Presiding Officer (Mr. PRYOR) laid before the Senate the following message from the House of Representatives:

S. 1193

Resolved, That the bill from the Senate (S. 1193) entitled "An Act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico," do pass with the following amendments:

Strike all after the enacting clause and insert the following:

TITLE I—ALBUQUERQUE INDIAN SCHOOL ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Albuquerque Indian School Act".

SEC. 102. DEFINITIONS.

In this title:

(1) 19 PUEBLOS.—The term "19 Pueblos" means the New Mexico Indian Pueblos of—

- (A) Acoma;
- (B) Cochiti;
- (C) Isleta;
- (D) Jemez;
- (E) Laguna;
- (F) Nambe;
- (G) Ohkay Owingeh (San Juan);
- (H) Picuris;
- (I) Pojoaque;
- (J) San Felipe;
- (K) San Ildefonso;
- (L) Sandia;
- (M) Santa Ana;
- (N) Santa Clara;
- (O) Santo Domingo;
- (P) Taos;
- (Q) Tesuque;
- (R) Zia; and
- (S) Zuni.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or a designee).

(3) SURVEY.—The term "survey" means the survey plat entitled "Department of the Interior, Bureau of Indian Affairs, Southern Pueblos Agency, BIA Property Survey" (prepared by John Paisano, Jr., Registered Land Surveyor Certificate No. 5708), and dated March 7, 1977.

SEC. 103. LAND TAKEN INTO TRUST FOR BENEFIT OF 19 PUEBLOS.

(a) ACTION BY SECRETARY.—

(1) IN GENERAL.—The Secretary shall take into trust all right, title, and interest of the United States in and to the land described in subsection (b) for the benefit of the 19 Pueblos immediately after the Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of these Federal lands.

(2) ADMINISTRATION.—The Secretary shall—

(A) take such action as the Secretary determines to be necessary to document the transfer under paragraph (1); and

(B) appropriately assign each applicable private and municipal utility and service right or agreement.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a)(1) is the 2 tracts of Federal land, the combined acreage of which is approximately 8.4759 acres, that were historically part of the Albuquerque Indian School, more particularly described as follows:

(1) EASTERN PART TRACT B.—The approximately 2.2699 acres located in sec. 7 and sec. 8 of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey and does not include the Western Part of Tract B containing 3.6512 acres.

(2) NORTHERN PART TRACT D.—The approximately 6.2060 acres located in sec. 7 and sec. 8

of T. 10 N., R. 3 E., of the New Mexico Principal Meridian in the city of Albuquerque, New Mexico, as identified on the survey and does not include the Southern Part of Tract D containing 6,1775 acres.

(c) **SURVEY.**—The Secretary shall perform a survey of the land to be transferred consistent with subsection (b), and may make minor corrections to the survey and legal description of the Federal land described in subsection (b) as the Secretary determines to be necessary to correct clerical, typographical, and surveying errors.

(d) **USE OF LAND.**—The land taken into trust under subsection (a) shall be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

(e) **LIMITATIONS AND CONDITIONS.**—The land taken into trust under subsection (a) shall remain subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act.

SEC. 104. EFFECT OF OTHER LAWS.

(a) **IN GENERAL.**—Except as otherwise provided in this section, land taken into trust under section 103(a) shall be subject to Federal laws relating to Indian land.

(b) **GAMING.**—No gaming activity (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)) shall be carried out on land taken into trust under section 103(a).

TITLE II—NATIVE AMERICAN TECHNICAL CORRECTIONS

SEC. 201. COLORADO RIVER INDIAN TRIBES.

The Secretary of the Interior may make, subject to amounts provided in subsequent appropriations Acts, an annual disbursement to the Colorado River Indian Tribes. Funds disbursed under this section shall be used to fund the Office of the Colorado River Indian Tribes Reservation Energy Development and shall not be less than \$200,000 and not to exceed \$350,000 annually.

SEC. 202. GILA RIVER INDIAN COMMUNITY CONTRACTS.

Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended by striking “lease, affecting” and inserting “lease or construction contract, affecting”.

SEC. 203. LAND AND INTERESTS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Sault Ste. Marie Tribe of Chippewa Indians of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the “Tribe”), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe’s interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) **EFFECT OF SECTION.**—Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(c) **LIABILITY.**—The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

(d) **EFFECTIVE DATE.**—This section shall be deemed to have taken effect on January 1, 2005.

SEC. 204. MORONGO BAND OF MISSION INDIANS LEASE EXTENSION.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence by inserting “and except leases of land held in trust for the Morongo Band of Mission Indians which may be for a term of not to exceed 50 years,” before “and except leases of land for grazing purposes which may be for a term of not to exceed ten years”.

SEC. 205. COW CREEK BAND OF UMPQUA TRIBE OF INDIANS LEASING AUTHORITY.

(a) **AUTHORIZATION FOR 99-YEAR LEASES.**—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting “and lands held in trust for the Cow Creek Band of Umpqua Tribe of Indians,” after “lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

SEC. 206. NEW SETTLEMENT COMMON STOCK ISSUED TO DESCENDANTS, LEFT-OUTS, AND ELDERS.

Section 7(g)(1)(B) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(g)(1)(B)) is amended by striking clause (iii) and inserting the following:

“(iii) **CONDITIONS ON CERTAIN STOCK.**—

“(I) **IN GENERAL.**—An amendment under clause (i) may provide that Settlement Common Stock issued to a Native pursuant to the amendment (or stock issued in exchange for that Settlement Common Stock pursuant to subsection (h)(3) or section 29(c)(3)(D)) shall be subject to 1 or more of the conditions described in subclause (II).

“(II) **CONDITIONS.**—A condition referred to in subclause (I) is a condition that—

“(aa) the stock described in that subclause shall be deemed to be canceled on the death of the Native to whom the stock is issued, and no compensation for the cancellation shall be paid to the estate of the deceased Native or any person holding the stock;

“(bb) the stock shall carry limited or no voting rights; and

“(cc) the stock shall not be transferred by gift under subsection (h)(1)(C)(iii).”.

SEC. 207. INDIAN LAND CONSOLIDATION ACT.

(a) **DEFINITIONS.**—Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) in paragraph (4)—

(A) by inserting “(i)” after “(4)”;.

(B) by striking “‘trust or restricted interest in land’ or” and inserting the following: “(ii) ‘trust or restricted interest in land’ or”; and

(C) in clause (ii) (as designated by subparagraph (B)), by striking “an interest in land, title to which” and inserting “an interest in land, the title to which interest”; and

(2) by striking paragraph (7) and inserting the following: “(7) the term ‘land’ means any real property;”.

(b) **PARTITION OF HIGHLY FRACTIONATED INDIAN LANDS.**—Section 205(c)(2)(D)(i) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)(2)(D)(i)) is amended in the matter following subclause (III) by striking “by Secretary” and inserting “by the Secretary”.

(c) **DESCENT AND DISTRIBUTION.**—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(D)—

(i) in clause (i), by striking “clauses (ii) through (iv)” and inserting “clauses (ii) through (v)”;.

(ii) in clause (iv)(II), by striking “decendent” and inserting “descent”; and

(iii) by striking clause (v) and inserting the following:

“(v) **EFFECT OF SUBPARAGRAPH.**—Nothing in this subparagraph limits the right of any person

to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b).”; and

(B) by adding at the end the following:

“(2) **INTESTATE DESCENT OF PERMANENT IMPROVEMENTS.**—

“(A) **DEFINITION OF COVERED PERMANENT IMPROVEMENT.**—In this paragraph, the term ‘covered permanent improvement’ means a permanent improvement (including an interest in such an improvement) that is—

“(i) included in the estate of a decedent; and

“(ii) attached to a parcel of trust or restricted land that is also, in whole or in part, included in the estate of that decedent.

“(B) **RULE OF DESCENT.**—Except as otherwise provided in a tribal probate code approved under section 206 or a consolidation agreement approved under subsection (j)(9), a covered permanent improvement in the estate of a decedent shall—

“(i) descend to each eligible heir to whom the trust or restricted interest in land in the estate descends pursuant to this subsection; or

“(ii) pass to the recipient of the trust or restricted interest in land in the estate pursuant to a renunciation under subsection (j)(8).

“(C) **APPLICATION AND EFFECT.**—The provisions of this paragraph apply to a covered permanent improvement—

“(i) even though that covered permanent improvement is not held in trust; and

“(ii) without altering or otherwise affecting the non-trust status of such a covered permanent improvement.”;

(2) in subsection (b)(2)(B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting the subclauses appropriately;

(B) by striking “Any interest” and inserting the following:

“(i) **IN GENERAL.**—Subject to clauses (ii) and (iii), any interest”;.

(C) in subclause (III) of clause (i) (as designated by subparagraphs (A) and (B)), by striking the semicolon and inserting a period;

(D) by striking “provided that nothing” and inserting the following:

“(iii) **EFFECT.**—Except as provided in clause (ii), nothing; and”.

(E) by inserting after clause (i) (as designated by subparagraph (B)) the following:

“(ii) **EXCEPTION.**—

“(I) **IN GENERAL.**—Notwithstanding clause (i), in any case in which a resolution, law, or other duly adopted enactment of the Indian tribe with jurisdiction over the land of which an interest described in clause (i) is a part requests the Secretary to apply subparagraph (A)(ii) to devise of trust or restricted land under the jurisdiction of the Indian tribe, the interest may be devised in fee in accordance with subparagraph (A)(ii).

“(II) **EFFECT.**—Subclause (I) shall apply with respect to a devise of a trust or restricted interest in land by any decedent who dies on or after the date on which the applicable Indian tribe adopts the resolution, law, or other enactment described in subclause (I), regardless of the date on which the devise is made.

“(III) **NOTICE OF REQUEST.**—An Indian tribe shall provide to the Secretary a copy of any resolution, law, or other enactment of the Indian tribe that requests the Secretary to apply subparagraph (A)(ii) to devise of trust or restricted land under the jurisdiction of the Indian tribe.”;

(3) in subsection (h)(1)—

(A) by striking “A will” and inserting the following:

“(A) **IN GENERAL.**—A will”; and

(B) by adding at the end the following:

“(B) **PERMANENT IMPROVEMENTS.**—Except as otherwise expressly provided in the will, a devise of a trust or restricted interest in a parcel of land shall be presumed to include the interest of the testator in any permanent improvements attached to the parcel of land.

“(C) **APPLICATION AND EFFECT.**—The provisions of this paragraph apply to a covered permanent improvement—

“(i) even though that covered permanent improvement is not held in trust; and

“(ii) without altering or otherwise affecting the non-trust status of such a covered permanent improvement.”;

(4) in subsection (i)(4)(C), by striking “interest land” and inserting “interest in land”;

(5) in subsection (j)(2)(A)(ii), by striking “interest land” and inserting “interest in land”;

(6) in subsection (k), in the matter preceding paragraph (1), by inserting “a” after “receiving”;

(7) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately;

(ii) by striking “(3)” and all that follows through “No sale” and inserting the following:

“(3) REQUEST TO PURCHASE; CONSENT REQUIREMENTS; MULTIPLE REQUESTS TO PURCHASE.—

“(A) IN GENERAL.—No sale”;

(iii) by striking the last sentence and inserting the following:

“(B) MULTIPLE REQUESTS TO PURCHASE.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.”;

(B) in paragraph (4)—

(i) in subparagraph (A), by adding “and” at the end;

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (C); and

(C) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or surviving spouse” after “heir”;

(bb) by striking “paragraph (3)(B)” and inserting “paragraph (3)(A)(ii)”; and

(cc) by striking “auction and”;

(II) in clause (i), by striking “and” at the end;

(III) in clause (ii)—

(aa) by striking “auction” and inserting “sale”;

(bb) by striking “the interest passing to such heir represents” and inserting “, at the time of death of the applicable decedent, the interest of the decedent in the land represented”; and

(cc) by striking the period at the end and inserting “; and”;

(IV) by adding at the end the following:

“(iii)(I) the Secretary is purchasing the interest under the program authorized under section 213(a)(1); or

“(II) after receiving a notice under paragraph (4)(B), the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir or surviving spouse who is not residing on the property in accordance with clause (i), and who is not a member, and is not eligible to become a member, of that Indian tribe.”; and

(ii) in subparagraph (B)—

(I) by inserting “or surviving spouse” after “heir” each place it appears; and

(II) by striking “heir’s interest” and inserting “interest of the heir or surviving spouse”.

(d) CONFORMING AMENDMENT.—Section 213(a)(1) of the Indian Land Consolidation Act (25 U.S.C. 2212(a)(1)) is amended by striking “section 207(p)” and inserting “section 207(o)”.

(e) OWNER-MANAGED INTERESTS.—Section 221(a) of the Indian Land Consolidation Act (25 U.S.C. 2220(a)) is amended by inserting “owner or” before “co-owners”.

(f) EFFECTIVE DATES.—

(1) TESTAMENTARY DISPOSITION.—The amendments made by subsection (c)(2) of this section to section 207(b) of the Indian Land Consolidation Act (25 U.S.C. 2206(b)) shall not apply to

any will executed before the date that is 1 year after the date of enactment of this Act.

(2) SMALL UNDIVIDED INTERESTS IN INDIAN LANDS.—The amendments made by subsection (c)(7)(C) of this section to subsection (o)(5) of section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) shall not apply to or affect any sale of an interest under subsection (o)(5) of that section that was completed before the date of enactment of this Act.

TITLE III—REAUTHORIZATION OF MEMORIAL TO MARTIN LUTHER KING, JR. SEC. 301. REAUTHORIZATION.

Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; 110 Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527) is amended by striking “November 12, 2008” and inserting “November 12, 2009”.

Amend the title so as to read: “An Act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, and for other purposes.”.

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1964 COMMEMORATIVE COIN ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2040, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2040) to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2040) was ordered to a third reading, was read the third time, and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to provisions of Public Law 110-343, appoints the following individual as a member of the Congressional Oversight Panel: The Honorable JUDD GREGG, of New Hampshire.

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, NOVEMBER 20, 2008

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow, Thursday, November 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 1123, H.R. 6867, an act to provide for additional emergency unemployment compensation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CASEY. Mr. President, earlier this evening, Senator REID filed cloture on the motion to proceed to the unemployment insurance legislation. Negotiations are ongoing to come to an agreement to have that vote tomorrow. Senators will be notified when the vote is scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CASEY. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, November 20, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL HOUSING FINANCE AGENCY

STEVE A. LINICK, OF VIRGINIA, TO BE INSPECTOR GENERAL OF THE FEDERAL HOUSING FINANCE AGENCY. (NEW POSITION)

SECURITIES INVESTOR PROTECTION CORPORATION

ALESIA RANNEY-MARINELLI, OF NEW YORK, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2011, VICE ARMANDO J. BUCALO, JR., TERM EXPIRING.

MARK S. SHELTON, OF KANSAS, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2011. (REAPPOINTMENT)

INTER-AMERICAN FOUNDATION

THOMAS JOSEPH DODD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2014. (REAPPOINTMENT)

GARY C. BRYNER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2014. (REAPPOINTMENT)

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2014. (REAPPOINTMENT)

RODNEY G. BENT, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2014, VICE ADOLFO A. FRANCO, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

VICE ADM. DAVID P. PEKOSKE

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS THE DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10506:

To be lieutenant general

MAJ. GEN. HARRY M. WYATT III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

RICHARD W. JOST

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

CLEVIS T. PARKER

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LYNN F. ABRAMS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CATHERINE A. OLIVER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

TIMOTHY S. ALLISONAIPA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DANIEL A. STRODE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH S. SELKEN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

THOMAS A. BRYANT
KENNETH S. GILLESPIE
JAMES P. MCGINNIS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JAMES A. GRIGGS
WILLIAM B. WILKINSON

To be major

PAUL R. HUNT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PETER H. GUEVARA

To be major

WALTER W. CASPER
WALTER W. SHRATZ